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GENERAL STATUTORY  
RULES AND ORDERS.

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## PREFACE TO THE FIRST EDITION.

THESE volumes contain all the Rules, Orders and Notifications issued under the authority of the Governor General in Council under Statutes and General Acts of the Governor General applying to the whole of British India, which are now in force, with the exception of Orders of a temporary or personal nature.

2. In reprinting them an endeavour has been made to incorporate all amendments and modifications made in them by subsequent notifications. References to these notifications are given in foot-notes *in loco*.

3. Lists of these Rules and Orders and also of Orders in Council under Statutes relating to India have for some years past been issued periodically by the Legislative Department. Such of the latter Orders as are included in Part I of those Lists have not been republished here. They consist principally of Extradition Treaties and Conventions and Orders under the English Foreign Jurisdiction and Merchant Shipping Acts, which are seldom needed for reference in India, and are readily accessible to those who require to refer to them in the Statutory Rules and Orders or the Statutory Rules and Orders Revised.

4. Certain Orders of the Crown and Orders of the Secretary of State which are of direct or special importance to India and are included in Part II of the lists referred to above, have been included in the present compilation. Instances of these are the Letters Patent of the Chartered High Courts and the regulations made under the Naturalization Acts. Apart from these, the Orders included are those of the Governor General in Council.

5. The order in which they have been arranged is the chronological order of the Statutes or Acts of the Governor General in Council under which they were issued.

6. An Index to these Rules and the Orders in Council noted in the List published separately by the Legislative Department has been placed at the end of the last Volume of this Collection.

G. R. RIDGE,

*Personal Assistant to the  
Secretary to the Government of India,  
Legislative Department.*

*Calcutta, the 21st February, 1907.*

## PREFACE TO THE SECOND EDITION.

THIS, the second or revised edition of the General Statutory Rules and Orders in force in the whole of British India, follows generally the lines which were adopted in the compilation of the first edition. It consolidates and brings together all the Rules, Orders and Notifications issued by, or under the authority of, the Governor General in Council under Statutes and General Acts of the Governor General applying to British India which were published in the four volumes of the first edition, and includes all such Rules, Orders and Notifications since issued bringing the work down to the end of the year 1913. The opportunity has been taken, however, to include in the last volume an Appendix containing certain rules and orders, issued early in 1914, under the Official Trustees Act, 1913, the Administrator Generals Act, 1913, and the Indian Companies Act, 1913, respectively.

The usual nominal Index to the Rules, Orders and Notifications contained in this edition and in Part I of the last edition of the General List as amended by addenda and corrigenda lists issued to date is placed at the end of the last Volume.

S. C. GUPTA,

*Legal Assistant,  
Legislative Department,  
Government of India.*

*Simla, 1915.*



# GENERAL RULES AND ORDERS UNDER ENACTMENTS IN FORCE IN BRITISH INDIA.

## PART I.

### 'General Rules, Proclamations and Notifications made under Statutes relating to India.'

THE EAST INDIA COMPANY ACT, 1853 (16 & 17 VICT., c. 95).

THE GOVERNMENT OF INDIA ACT, 1858 (21 & 22 VICT., c. 106).

**Creation of a Governor other than the Governor General of India for the Presidency of Fort William in Bengal.**

*No. 288, dated the 22nd March, 1912.*—The following Declaration made by the Secretary of State for India in Council is hereby published:—

#### *Declaration.*

The Secretary of State in Council of India, under the powers reserved to him by the East India Company Act, 1853 (16 & 17 Vict., c. 95), and the Government of India Act, 1858 (21 & 22 Vict., c. 106), is pleased to declare that the Governor General of India shall no longer be Governor of the Presidency of Fort William in Bengal, and that a separate Governor shall be appointed for such Presidency.

[See Gazette of India, 1912, Pt. I, p. 363.]

THE GOVERNMENT OF INDIA ACT, 1854 (17 & 18 VICT., c. 77).

**Creation of the North-West Frontier Province.**

*No. 5780-P., dated the 25th October, 1901.*—Whereas the following territories, that is to say, the districts of Peshawar, Kohat and Hazara

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<sup>1</sup> As to Rules and Orders under Statutes, see note in Preface to the first edition.

## 2 GENERAL STATUTORY RULES AND ORDERS. [PART I.]

(as altered by the Notification of the Punjab Government, <sup>1</sup>No. 994, dated the 17th October, 1901), the Bannu and Marwat Tahsils of the district of Bannu, and the Tank, Dera Ismail Khan and Kulachi Tahsils of the district of Dera Ismail Khan (as altered by the Notifications of the Punjab Government, <sup>1</sup>Nos. 992 and 993, dated the 17th October, 1901), are part of the dominions of His Majesty the King, Emperor of India :

And whereas it is expedient that the said territories, which are now under the administration of the Lieutenant-Governor of the Punjab, should be formed into a separate Province and constituted a Chief Commissionership under the administration of a Chief Commissioner :

KNOW ALL MEN, AND IT IS HEREBY PROCLAIMED, that His Excellency the Viceroy and Governor General of India in Council, in exercise of the powers conferred by section 3 of the <sup>2</sup>Government of India Act, 1854 (17 & 18 Vict., c. 77), and with the sanction and approbation of the Secretary of State for India, is pleased hereby to take the said territories under his immediate authority and management on and with effect from the ninth day of November, 1901, and further to direct that, on and with effect from the said ninth day of November, 1901, the said territories shall be formed into a separate Province and constituted a Chief Commissionership, to be called the Chief Commissionership of the North-West Frontier Province and to be administered by a Chief Commissioner.

[See Gazette of India, 1901, Pt. I, p. 857.]

### Transfer of Naranji village from the Punjab to the North-West Frontier Province.

No. 2104-F., dated the 6th August, 1902.—Whereas the village of Naranji in the Sanghar Tahsil of the Dera Ghazi Khan District is part of the dominions of His Majesty the King, Emperor of India :

And whereas it is expedient that the said village, which is now under the administration of the Lieutenant-Governor of the Punjab, should be placed under the administration of the Chief Commissioner of the North-West Frontier Province :

KNOW ALL MEN, AND IT IS HEREBY PROCLAIMED, that His Excellency the Viceroy and Governor General of India in Council, in exercise of the powers conferred by section 3 of the <sup>2</sup>Government of India Act, 1854 (17 & 18 Vict., c. 77), and with the sanction and approbation of the Secretary of State for India, is pleased hereby to take the said territories under his immediate authority and management on and with effect from the 6th day of August, 1902, and further to direct that, on and with effect from the said 6th day of August, 1902, the said village shall form part of the Kulachi Tahsil of the Dera Ismail Khan District of the North-West Frontier Province.

[See Gazette of India, 1902, Pt. I, p. 575.]

<sup>1</sup> Punjab Gazette, 1901, Pt. I, pages 1096 and 1097.

<sup>2</sup> Collection of Statutes relating to India, Vol. I.

***Creation of the Chief Commissionership of Assam.***

*No. 291, dated the 22nd March, 1912.*—In exercise of the powers conferred by section 3 of the <sup>1</sup>Government of India Act, 1854 (17 & 18 Vict., c. 77), and with the sanction and approbation of the Secretary of State for India, the Governor General in Council is pleased to issue the following Proclamation:—

***Proclamation.***

The following territories, which are now included within the Province of Eastern Bengal and Assam, namely:—

the Assam Valley Districts Division, comprising the districts of Darrang, Garo Hills, Goalpara, Kamrup, Lakhimpur, Nowgong and Sibsagar, and

the Surma Valley and Hill Districts Division, comprising the districts of Cachar, Khasi and Jaintia Hills, Lushai Hills, Naga Hills and Sylhet,

shall, on and from the first day of April, 1912, be taken under the immediate authority and management of the Governor General of India in Council and formed into a Chief Commissionership, to be called the Chief Commissionership of Assam; and Sir Archdale Earle, K.C.I.E., is hereby appointed to be the Chief Commissioner of Assam, with effect from that date.

[See Gazette of India, 1912, Pt. I, p. 365.]

***Creation of the Chief Commissionership of Delhi.***

*No. 911, dated the 17th September, 1912.*—In exercise of the powers conferred by section 3 of the <sup>1</sup>Government of India Act, 1854 (17 & 18 Vict., c. 77), and with the sanction and approbation of the Secretary of State for India, the Governor General in Council is pleased to issue the following Proclamation:—

***Proclamation.***

The following territory, which is now included within the Province of the Punjab, namely:—

that portion of the District of Delhi comprising the Tahsil of Delhi and the police station of Mahrauli,

shall, on and from the first day of October, 1912, be taken under the immediate authority and management of the Governor General of India in Council and formed into a Chief Commissionership, to be called the Chief Commissionership of Delhi; and the Hon'ble Mr. William Malcolm

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

## **4 GENERAL STATUTORY RULES AND ORDERS. [PART I.]**

**Hailey, C.I.E., I.C.S., is hereby appointed to be the Chief Commissioner of Delhi, with effect from that date.**

[See Gazette of India, 1912, Pt. I, p. 1015.]

### **THE GOVERNMENT OF INDIA ACT, 1858 (21 & 22 VICT., c. 106).**

#### **Warrants for payment of money out of Indian revenues.**

*Order, dated the 27th August, 1860.*—Whereas by the Act of the session of Parliament of the 21st and 22nd years of Her Majesty's reign (chapter 106) <sup>1</sup>intituled "An Act for the better government of India," it was enacted (amongst other things) that the regulations and practice then acted on by the Court of Directors on the issue of warrants or authorities for the payment of money should be maintained and acted on by the Secretary of State for India in Council under the said Act, until the same should be altered by the authority of Her Majesty in Council :

And whereas it has seemed to Her Majesty by and with the advice of Her Privy Council to be expedient to alter the said regulations and practice in the manner and to the extent hereinafter mentioned :

Now, therefore, Her Majesty by virtue of the powers in this behalf by the said Act in her vested, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

When authority has been given by the Secretary of State for India in Council for any grant or allowance, or for incurring any other expenditure out of the revenues of India, payment may be made on account of such grants or allowances and for meeting such expenditure (but in no case exceeding the limits fixed by such authority) under the directions of the Accountant General on the establishment of the Secretary of State for India in Council by means of cheques or otherwise as by law provided.

And the Right Honourable Sir Charles Wood, Baronet, one of Her Majesty's Principal Secretaries of State, is to give the necessary directions herein accordingly.

[See Statutory Rules and Orders Revised, Vol. IV, p. 135.]

### **THE FOREIGN TRIBUNALS ACT, 1856 (19 & 20 VICT., c. 113).**

#### **EVIDENCE BY COMMISSION ACT, 1859 (22 VICT., c. 20).**

#### **Appointment of Judges of Courts in British India as Judges having authority under these Acts.**

*No. 1317, dated the 21st September, 1911.*—The following Order of His Majesty the King in Council, dated the 8th August, 1911, is published for general information :—

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

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AT THE COURT AT BUCKINGHAM PALACE.

*The 8th day of August, 1911.*

PRESENT:

THE KING'S MOST EXCELLENT MAJESTY.

LORD PRESIDENT.

LORD PENTLAND.

LORD CHAMBERLAIN.

MR. CHARLES HOBHOUSE.

WHEREAS by the Foreign Tribunals Evidence Act, 1856, it is (amongst other things) enacted that any Supreme Court in any of His Majesty's Colonies or Possessions abroad, and any Judge of any such Court, and every Judge in any such Colony or Possession who by any Order of His Majesty in Council may be appointed for this purpose shall respectively be Courts and Judges having authority under the said Act;

And whereas a like provision is made by the Evidence by Commission Act, 1859;

And whereas it is expedient to appoint Judges having authority under the said Acts in the North-Western Provinces of India, the Punjab, Lower Burma, Oudh, Coorg, the Central Provinces of India, Upper Burma, the North-West Frontier Province of India and Sind respectively.

Now, therefore, His Majesty, by virtue and in exercise of the powers in this behalf by the Foreign Tribunals Evidence Act, 1856, and the Evidence by Commission Act, 1859, in His Majesty vested, is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, that the respective Judges, and their successors in office, of the Courts specified in the Schedule hereto shall be Judges having authority under the said Acts.

ALMERIC FITZROY.

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SCHEDULE.

1. The High Court of Judicature for the North-Western Provinces.
2. The Chief Court for the Punjab.
3. The Chief Court for Lower Burma.
4. The Court of the Judicial Commissioner of Oudh.
5. The Court of the Judicial Commissioner of Coorg.
6. The Court of the Judicial Commissioner of the Central Provinces.
7. The Court of the Judicial Commissioner of Upper Burma.
8. The Court of the Judicial Commissioner of the North-West Frontier Province.
9. The Court of the Judicial Commissioner of Sind.

[See Gazette of India, 1911, Pt. I, p. 772.]

**THE GOVERNMENT OF INDIA ACT, 1859 (22 & 23 VICT., c. 41).**

**Rules for the grant of contracts and agreements by Local Governments.**

*No. 933-Ex., dated 20th February, 1894.*—In supersession of the orders contained in the Financial Resolution of the 20th October, 1888, and letter of the 21st February, 1890, cited in the preamble, the Governor General in Council is pleased to issue the following rules prescribed by Her Majesty's Secretary of State for India, to regulate the power of the Government of India and of Local Governments and Administrations to enter into or sanction contracts and agreements involving liabilities on the part of the State:—

*Statutory Rules.*

The following provisions and restrictions are prescribed by the Secretary of State in Council in exercise of the power reserved to him by Statute 22 & 23 Vict., cap. 41, section 1, and shall apply to all concessions, grants, leases, and contracts (except such as may be made under any special legislative sanction) made or entered into by the Government of India, or by a Local Government or Administration or other authority in India, to or with any person, firm, company, syndicate, municipality, or other public body who or which has applied for the same for mining, milling, or any other industrial or manufacturing purposes (not being ordinary agricultural or settlement purposes) or for the purpose of any railway, tramway, water-works, or other undertaking of a like nature:—

I.—No concession, grant, or lease of land, of mineral or forest rights, of right to water power, or of right of way or other easement or of any privilege in respect of land, of mineral or forest rights, of right to water power, or of an easement, and

no contract involving the execution or maintenance by Government of works,

shall be made or entered into by the Government of India, to, with, or in favour of any person, firm, syndicate, company, municipality, or other public body for any of the purposes above mentioned without the express sanction of the Secretary of State in Council,—

if such concession, grant, lease or contract—

(a) is intended to endure for a period exceeding ten years, and is not accompanied by an unconditional power or revocation or cancellation by the Government of India at any time during such period on the expiry of six months' notice to that effect, and imposes on the revenues of India an annual liability in excess of fifty thousand rupees; or

(b) imposes on such revenues a charge or expenditure or liability to damages in excess of twelve lakhs of rupees; or

(c) involves the cession of property or rights of which the estimated value exceeds twelve lakhs of rupees.

II.—No concession, grant, or lease of land, of mineral or forest rights, of right to water power, or of right of way or other easement, or of any privilege in respect of land, of mineral or forest rights, of right to water power, or of an easement, and

no contract involving the execution or maintenance by Government of works,

shall be made or entered into by any Local Government or Administration or other authority in India to, with, or in favour of any person, firm, company, syndicate, municipality, or other public body for any of the purposes above mentioned without the express sanction of the Government of India and of the Secretary of State in Council,—

if such concession, grant, lease or contract—

- (a) is intended to endure for a period exceeding ten years, and is not accompanied by an unconditional power of revocation or cancellation by the Government of India at any time during such period on the expiry of six months' notice to that effect, and imposes on the revenues of India an annual liability in excess of fifty thousand rupees; or
- (b) imposes on such revenues a charge or expenditure or liability to damages in excess of twelve lakhs of rupees; or
- (c) involves the cession of property or rights of which the estimated value exceeds twelve lakhs of rupees.

III.—No such concession, grant, lease or contract shall be made by any Local Government or Administration or other authority in India to, with, or in favour of any person, firm, company, municipality, or other public body for any of the purposes above mentioned without the express sanction of the Government of India,—

if such concession, grant, lease or contract—

- (a) is intended to endure for a period exceeding five years, and is not accompanied by an unconditional power of revocation by the Government at any time during such period on the expiry of six months' notice to that effect, and imposes on the revenues of India an annual liability in excess of five thousand rupees; or
- (b) imposes on such revenues a charge or expenditure or liability to damages in excess of one lakh of rupees; or
- (c) involves the cession of property or rights of which the estimated value exceeds one lakh of rupees.

IV.—No such concession, grant, lease, or contract shall be made by any Local Government or Administration or other authority in India to, with, or in favour of any joint stock company, except with the sanction of the Government of India, and subject to these rules so far as the same may be applicable.

V.—No transfer of any such concession, grant, lease, or contract, or of any part thereof, or any interest therein, or any under-letting, shall be recognised as valid except it be made with the express assent of:—

- (a) the Secretary of State in Council in cases falling within Rule I or II;
- (b) the Government of India in cases falling within Rule III; and
- (c) the Local Government or Administration in any other cases, with the proviso that a transfer or under-letting to a company will in all cases require the sanction of the Government of India.

And the Secretary of State in Council and the Government of India, as the case may be, may in his or their absolute discretion refuse such assent.

VI.—In every writing intended to express any concession, grant, lease, or contract which falls within these rules, it shall be expressly declared that such concession, grant, lease, or contract is granted or made subject to them.

VII.—When the assent of the Secretary of State in Council is rendered by these rules necessary to the validity of any concession, grant, lease, or contract, or to the transfer thereof, it shall be signified under the hand of an Under-Secretary of State; and when the assent of the Government of India is so required, it shall be signified under the hand of a Secretary of that Government.

VIII.—The foregoing rules, I to VII inclusive, shall not apply to any concession, grant, lease, or contract for any of the purposes mentioned in Rule I, if made under any special rules issued or approved by the Secretary of State in Council.

#### *Supplementary Rules.*

*Rule A.*—In cases where it is considered expedient to grant concessions or to make agreements, such as those contemplated in the Statutory Rules, the deed of concession, or the agreement, if the rights under it are transferable, must be so framed that it will be beyond the power of the grantees or contractees to transfer their rights, or any part of them, except with the sanction of the Government of India, or of Local Governments and Administrations in cases coming within their cognizance.

*B.*—All such concessions and agreements will further be subject to any special provisions made by Government to meet particular cases or particular classes of cases.

*C.*—Before any concession or agreement of the class referred to it is submitted for the approval of the Government of India, its terms

should be considered in the Judicial Department of the Local Government, and by the highest legal adviser to that Government.

**D.**—The foregoing Rules shall not apply to any concession, grant, lease, or contract for any of the purposes mentioned in the Statutory Rules, if made under any special rules issued or approved by the Secretary of State in Council.

[*Finance and Commerce Department Proceedings for March 1894, Nos. 77 to 85.*]

### INDIAN COUNCILS ACT, 1861 (24 & 25 VICT., c. 67).

#### **Rules for the Conduct of the Legislative Business of the Council of the Governor General.**

*No. 3, dated the 5th February, 1897.*—The following Rules for the conduct of Legislative Business of the Council of the Governor General of India which were made by the Council of the Governor General assembled for the purpose of making Laws and Regulations at the meeting held on the fourth day of February, 1897, and received the assent of His Excellency the Governor General on the same day, are hereby promulgated for general information:—

#### *I.—Preliminary.*

1. These Rules supersede the Rules for the Conduct of Business at the meetings of the Council made on the 11th day of February, 1873, and the 16th day of February, 1883.

#### 2. In these Rules—

“Council” means the Council of the Governor General of India assembled for the purpose of making Laws and Regulations:

“President” means the Governor General or (during the time of his visit to any part of India unaccompanied by his Council) the President nominated by the Governor General in Council under the Indian Councils Act, 1861, section 6; or, in the absence of both the Governor General and the President so nominated,<sup>1</sup> [the Vice-President appointed by the Governor General under section 4 of the Indian Councils Act, 1909]:<sup>2</sup>

“Member” means a Member of the Council, whether ordinary, extraordinary or additional:

“Secretary” means the Secretary to the Government of India in the Legislative Department, and includes the Deputy Secretary and

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> Substituted for the words “the senior Ordinary Member of Council present and presiding” by Notification No. 12, dated the 28th January, 1910, see Gazette of India 1910, Pt. I, p. 128.

every person for the time being exercising the functions of the Secretary : and

“ Local Government ” includes a Chief Commissioner.

*II.—Meetings of the Council.*

3. The Council shall ordinarily meet at 11 A.M., and shall not prolong its sitting after 4 P.M., unless the President otherwise directs.

4. [Rep. Notification No. 12, dated 28th January, 1910.]

5. <sup>1</sup>[The Members shall sit in such order as the President may direct.]

Subject to any such direction, the Members shall sit in the following order, beginning from the right of the President :—

(1) The Commander-in-Chief.

(2) The Ordinary Members according to seniority.

(3) The Additional Members according to seniority.

6. The President may adjourn, without any discussion or vote, any meeting or business, whether there be a quorum present or not, to any future day, or to any hour of the same day.

7. <sup>2</sup>[The President shall preserve order, and all points of order shall be decided by him.

No discussion on any point of order shall be allowed unless the President shall think fit to take the opinion of the Council thereon.

Any Member may at any time submit a point of order to the decision of the President.

The President shall have all powers necessary for the purpose of enforcing his decisions.]

8. A Member desiring to make any observations on any subject before the Council <sup>3</sup>[shall speak from his place, shall rise when he speaks and shall address the President].

<sup>3</sup>[At any time, if the President rises, any Member speaking shall immediately resume his seat.]

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<sup>1</sup> Substituted for the words “ The Governor or Lieutenant-Governor and the Law Member shall sit where the President may direct ” by Notification referred to in preceding note.

<sup>2</sup> This rule was substituted for the former rule, which was as follows :—

“ The President shall preserve order, and all points of order shall be decided by him, no discussion thereupon being allowed.”  
by Notification No. 12, dated the 28th January, 1910, see Gazette of India, 1910, Pt. I, p. 128.

<sup>3</sup> These words were substituted for the words “ shall address the President without rising from his chair,” and the second paragraph added to Rule 8, by the Notification referred to in the preceding note.

9. <sup>1</sup>[After the Member who makes a motion has spoken, other Members may speak to it in such order as the President may direct.]

After all the Members <sup>1\*</sup> \* have had an opportunity of speaking, the Mover may speak once by way of reply, and any other Member may, with the permission of the President, speak once by way of explanation :

Provided that, if the matter be an amendment of a Bill, the Member in charge of the Bill shall be entitled to speak next after the Mover of the amendment.

10. When, for the purpose of explanation during discussion, or for any other sufficient reason, any Member has occasion to ask a question of another Member on any measure then under the consideration of the Council, he shall ask the question through the President.

11. Any Member may speak at the request and on behalf of another Member who is unable to express himself in English.

12. On every motion before the Council, the question shall be put by the President, and shall be decided by a majority of votes.

<sup>2</sup>[Votes may be taken by voices or by division, and shall be taken by division if any Member so desires.

The President shall determine the method of taking votes by division.]

13. Any Member may ask for any papers or returns connected with any Bill before the Council. The President shall determine, either at the time or at the Meeting of the Council next following, whether the papers or returns asked for can be given.

14. Communications on matters connected with any Bill before the Council may be addressed, either in the form of a petition to the Governor General in Council, or in a letter to the Secretary, and must in either case be sent to the Secretary. Ordinarily, such communications will not be answered.

Except in the case of the High Court at Fort William, such communications shall ordinarily be sent through the Local Government.

15. The Secretary shall either cause such communications to be printed and send a copy to each Member, or circulate them for the perusal of each Member.

<sup>1</sup> These words in rule 9 were substituted for the following sentences, namely :—

“ On all matters brought before the Council, after the Member who makes a motion has spoken, each Member consecutively, beginning with the Member on the left of the President, may make such observations as he thinks proper. The Law Member, however, may speak according to the position of the seat he would occupy if he sat in order of seniority and not according to the seat he may occupy at the Council table under rule 5,” and the words “ in turn ” after the word “ Members ” in the next sentence were omitted by the Notification referred to in the second footnote on previous page.

<sup>2</sup> These two sentences were substituted for the following :—

“ In case of a division, the votes shall be taken by the Secretary in consecutive order, beginning with the Member on the left of the President.

“ After the question is put, no further discussion upon it shall be allowed.” by Notification No. 12, dated the 28th January, 1910, see Gazette of India, 1910, Pt. I, p. 128.

*III.—Introduction and publication of Bills.*

16. Any Member desiring to move for leave to introduce a Bill in accordance with the provisions of section 19 of the Indian Council Act, 1861, shall give the Secretary at least three days' previous notice of the title and object of the Bill.

<sup>1</sup>[If such motion be carried, a copy of the Bill with a full Statement of Objects and Reasons shall be sent by the Member to the Secretary.

17. The Secretary shall then cause the Bill, together with the Statement of Objects and Reasons, to be printed, and shall send a copy to each Member.

If any of the Members are unacquainted with English, he shall also if requested, cause the Bill and the Statement of Objects and Reasons to be translated into Hindustani for their use.

18. The Council may, at any time after leave to introduce a Bill has been granted, direct that the Bill be published in such manner as the Council thinks fit.

19. When a Bill is introduced, or on some subsequent occasion the Member in charge of it shall make one or more of the following motions:—

- (a) that it be referred to a Select Committee, or
- (b) that it be taken into consideration by the Council, either a once or at some future day to be then mentioned, or
- (c) that it be circulated for the purpose of eliciting opinion thereon.

20. No such motion shall be made until after a copy of the Bill and a copy of the Statement of Objects and Reasons have been furnished to each Member. Any Member may object to the motion unless such copies have been furnished to him at least seven days previously; and such objection shall prevail unless the President, in exercise of his power to suspend any of these Rules, allows the motion to be made.

21. On the day on which such motion is made, or on any subsequent day to which the discussion is postponed, the principle of the Bill and its general provisions may be discussed.

22. When any motion mentioned in rule 19 is carried, the Bill shall, together with a Statement of its Objects and Reasons, if not already published on a motion under rule 18, be published in English in the Gazette of India.

The Bill and Statement shall also, if publication has not already been directed, be published in such official Gazettes and in such vernacular languages (if any) as the Council in each case decides to

<sup>1</sup> The second sentence in rule 16 was substituted for the following:—

“ If such motion be carried, the Bill with a full Statement of Objects and Reasons shall, if not already prepared, be prepared by the Member or (if he so desire) by the Secretary in consultation with the Member.”

by the Notification referred to in the preceding note.

be necessary for the purpose of giving notice to the communities affected by the Bill.

For this purpose, the Council shall make an order at the Meeting at which such motion is carried, and may from time to time, on the motion of any Member, vary or cancel such order.

23. The Governor General, if he see fit, may order the publication of a Bill, together with the Statement of Objects and Reasons which accompanies it, in such Gazettes and languages as he thinks necessary, although no motion has been made for leave to introduce the Bill.

In that case it shall not be necessary to move for leave to introduce the Bill; and, if the Bill be afterwards introduced, it shall not be necessary to publish it again.

#### *IV.—Select Committees.*

24. The Law Member shall be a Member of every Select Committee.

The other Members of every Committee shall be named by the Council when the Bill is referred, or at any subsequent Meeting.

The Law Member and, in his absence, the Member in charge of the Bill, shall be chairman of the Committee, and, in the case of an equality of votes, the chairman shall have a second or casting vote.

25. After publication of a Bill in the Gazette of India, the Select Committee to which the Bill may have been referred shall make a report thereon.

Such report shall be made not sooner than three months from the date of the first publication in the Gazette of India, unless the Council orders the report to be made sooner.

Reports may be either preliminary or final.

The Select Committee shall in their report state whether or not, in their judgment, the Bill has been so altered as to require re-publication, whether the publication ordered by these Rules or by the Council has taken place, and the date on which the publication has taken place, or, where publication in more than one Gazette or in more than one language is ordered, the date on which the publication in each such Gazette and each such language has taken place.

If, in the judgment of the Committee, the Bill has been so altered as to require re-publication, the Secretary shall send a copy of the altered Bill to the Secretary of the Department to which it pertains.

When the Committee recommend the re-publication of a Bill which was originally ordered by these Rules or by the Council to be published in more than one Gazette or in more than one language, they shall, in the absence of anything to the contrary in their report, be taken to recommend that the Bill be re-published in every such Gazette and every such language. .

If the Committee are of opinion that it is unnecessary to re-publish the Bill in any such Gazette or in any such language, they shall, in their report, state the grounds of their opinion.

26. The Secretary shall cause every report of a Select Committee to be printed, and shall send a copy of such report to each Member, and shall cause the report, with the amended Bill, to be published in the Gazette of India.

If any Member present is unacquainted with English, the Secretary shall also, if requested, cause the report to be translated into Hindustani for his use.

27. The report of the Select Committee on a Bill shall be presented to the Council by the Member in charge of the Bill, and shall be taken into consideration by the Council as soon as conveniently may be; but any Member may object to its being so taken into consideration when he has not been furnished for a week with a copy of the report; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the report to be taken into consideration.

*V.—Consideration and Amendments of Bills.*

28. When a Bill is taken into consideration by the Council, any Member may propose an amendment of such Bill.

29. If notice of such amendment has not been sent to the Secretary at least three days before the meeting of the Council at which the Bill is to be considered, any Member may object to the moving of the amendment, and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the amendment to be moved.

The Secretary shall, if time permits, cause every notice of amendment to be printed, and send a copy for the information of each Member.

If any Member present is unacquainted with English, the Secretary shall also, if requested, cause every such notice to be translated into Hindustani for his use.

30. Amendments shall ordinarily be considered in the order of the clauses to which they respectively relate.

31. Notwithstanding anything in the foregoing Rules, it shall be in the discretion of the President, when a motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Council section by section. When this procedure is adopted, the President shall call each section separately, and when the amendments relating to it have been dealt with, shall put the question "that this section, or (as the case may be) this section as amended, stand part of the Bill."

32. Any Member may move that a Bill which has been amended by the Council or by a Select Committee be re-published or re-committed, and, if the Council so decide, the President may order the Bill to be re-published or re-committed, as the case may be.

33. If no amendment be made when a Bill is taken into consideration by the Council, the Bill may at once be passed.

If any amendment be made, any Member may object to the passing of the Bill at the same Meeting; and such objection shall prevail, unless the President, in exercise of his power to suspend any of these Rules, allows the Bill to pass.

Where the objection prevails, the Bill shall be brought forward again at a future Meeting, and may then be passed with or without further amendment.

34. When a Bill is passed by the Council, a copy thereof shall be signed by the President, and, when the Governor General has declared his assent thereto, such copy shall be signed by the Governor General, and the Bill shall be published as soon as possible in the official Gazettes, under the signature of the Secretary, as an Act of the Governor General in Council.

Such publication shall be made in the Gazette of India in English and in the official Gazettes of the Local Governments in English and in such vernacular languages spoken in the territories subject to such Governments respectively as may be ordered by the Council or directed by the Local Government:

Provided that, when the Act does not apply to the whole of British India, it shall be published only in the Gazette of India and in the Gazettes of the Local Governments to whose territories it applies.

#### *VI.—Duties of Secretary.*

35. At least two days before each meeting of the Council, the Secretary shall send to each Member a list of the business to be brought forward at such meeting.

Subject to the provisions of rule 29, no business shall be entered by the Secretary in a list, unless notice thereof has been given to him at least three days before the meeting of the Council to which the lists relate: provided that business may be added to the list at any time before a meeting under the special orders of the President.

36. The Secretary shall keep a journal, in which all the proceedings of the Council shall be fairly entered.

The journal shall be submitted after each Meeting to the President for his confirmation and signature, and, when so signed, shall be the record of the proceedings of the Council.

37. The Secretary shall also cause to be prepared a full report of the proceedings of the Council at each of its Meetings, and publish it in the Gazette of India as soon as practicable. He shall send a copy of such report to each Member and also to the Permanent Under Secretary of State for India.

38. In addition to the other duties specially required by these Rules, it shall be the duty of the Secretary—

*1st*, to draft all Bills originated by the Government of India, the Statements of their Objects and Reasons, and the

Reports of the Select Committee to which such Bills are referred;

2nd, to take charge of the copies of the Bills signed by the Governor General and of all the other records of the Council;

3rd, to keep the books of the Council;

4th, to keep a list of the business for the time being before the Council;

5th, to superintend the printing of all papers printed in pursuance of these rules;

6th, to assist the Council and all Committees in such manner as they may direct;

7th, to send the Secretary of the Department to which the Bill pertains, any Bill which an Additional Member has obtained leave to introduce under rule 16;

8th, to examine all Bills deposited by Additional Members, and report to the President on those which contain clauses trenching on subjects coming within section 19 or section 22 of the <sup>1</sup>Indian Councils Act, 1861;

9th, to write all letters which the Council or the President, or any Select Committee, or the Law Member, directs to be written.

24 & 25 Vict.,  
c. 67.

39. It shall be the duty of the Secretary to cause to be translated into Hindustani Bills, Statements of Objects and Reasons, Reports of Select Committees and Amendments of Bills, to cause papers to be explained to Members unacquainted with English and otherwise to assist them in such manner as they may require.

#### VII.—Miscellaneous.

40. Strangers may be admitted into the Council Chamber during the sittings of the Council on the order of the President.

<sup>2</sup>[Application for order of admission is to be made through a Member to the Secretary at least two days before the Meeting, and the order, if made, shall be sent to such Member.]

41. The President, on the motion of any Member, may direct at any time during a sitting of the Council that strangers withdraw.

42. Any paper relating to any measure before the Council may be published by order of the President.

Copies of paper so published shall be sold at such rates as may be fixed by the Secretary.

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> This sentence was substituted by Notification No. 12, dated 28th January, 1910, see Gazette of India, 1910, Pt. I, p. 128, for the following :—

“ Application for orders of admission is to be made to the Secretary.”

43. Any Bill respecting which no motion has been made in the Council for two years may, by order of the President, be removed from the List of Business.

44. The President, for sufficient reason, may suspend any of the foregoing Rules.

[See Gazette of India, 1897, Pt. I, p. 97.]

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**Inclusion of certain talukas within the Madras Presidency.**

No. 928, dated the 1st July, 1909.—*Proclamation.*—In exercise of the powers conferred by the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), section 47, the Governor General in Council is pleased to declare that, for the purposes of the said Act, the Nugur, Albaka and Cherla talukas, which by the <sup>1</sup>Proclamation No. 545, dated the 15th April, 1909, have been declared to be subject to the Government of Madras, together with the Bhadrachalam taluq in the Godavari district, shall be included within the limits of the Madras Presidency.

[See Gazette of India, 1909, Pt. I, p. 524.]

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**Constitution of the North-Western Provinces and Oudh as a province for the purposes of the Indian Councils Act, 1861.**

No. 1704-J., dated the 26th November, 1886.—The Governor General in Council is pleased to make the following proclamation, to which the sanction of Her Majesty has been signified by the Secretary of State in Council, as required by section 49 of the <sup>2</sup>Indian Councils Act, 1861:—

24 & 25 Vict.,  
c. 67.

*Proclamation.*

The Governor General is pleased to constitute the territories for the time being under the administration of the Lieutenant-Governor of the <sup>3</sup>North-Western Provinces and Chief Commissioner of Oudh to be, for the purposes of the <sup>2</sup>Indian Councils Act, 1861, a province <sup>24 & 25 Vict., c. 67.</sup> to which the provisions of that Act, touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay shall be applicable, and further to appoint the Lieutenant-Governor of the North-Western Provinces and Chief Commissioner of Oudh for the time being to be Lieutenant-Governor of that province with authority limited to the purposes of the said Act, so far as they relate to the making of laws and regulations.

2. The Governor General in Council is further pleased to specify the first day of December, 1886, as the period at which the provisions aforesaid shall take effect, and ‘nine as the number of Councillors whom

<sup>1</sup> *Infra*, p. 73.

<sup>2</sup> Collection of Statutes relating to India, Vol. I.

<sup>3</sup> Now the United Provinces of Agra and Oudh, see Proclamation No. 996-P., dated 22nd March 1902, *infra*, p. 71.

<sup>4</sup> As to present number, see now Notification No. 18, dated 15th November, 1909, Gazette of India, 1909, Pt. I, p. 1477.

the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

[See Gazette of India, 1886, Pt. I, p. 708.]

**Extension of the Indian Councils Act, 1861, to the Punjab and Burma.**

No. 509-P., dated the 9th April, 1897.—The following proclamations, to which the sanction of Her Majesty the Queen, Empress of India, has been signified by the Secretary of State in Council, as required by 24 & 25 Vict., section 49 of the Indian Councils Act, 1861,<sup>1</sup> are hereby published : c. 67.

*Proclamation.*

The Governor General in Council is pleased to extend to the 24 & 25 Vict., territories known as the Punjab the provisions of the <sup>2</sup>Indian c. 67. Councils Act, 1861 (24 & 25 Vict., c. 67), touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay, and further to specify the first day of May, 1897, as the period at which the said provisions shall take effect, and <sup>3</sup>nine as the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

*Proclamation.*

The Governor General is pleased to constitute the territories at present under the administration of the Chief Commissioner of Burma to be, for the purposes of <sup>1</sup>Indian Councils Act, 1861 (24 & 25 Vict., c. 67), a province to which the provisions of that Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort St. George and Bombay shall be applicable, and further to appoint Sir Frederic William Richard Tryer, K.C.S.I., of the Indian Civil Service, now Chief Commissioner of Burma, to be the first Lieutenant-Governor of that province with all powers and authority incident to such office.

2. The Governor General in Council is further pleased to specify the first day of May, 1897, as the period at which the said provisions shall take effect, and <sup>4</sup>nine as the number of Councillors whom the Lieutenant-Governor may nominate for his assistance in making laws and regulations.

[See Gazette of India, 1897, Pt. I, p. 261.]

**Inclusion of the Laccadive Islands within the Madras Presidency.**

No. 227, dated the 1st February, 1912.—The following proclamation to which the sanction of His Majesty the King, Emperor of India, has

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> As to present number, see now Notification No. 18, dated 15th November, 1909, Gazette of India, 1909, Pt. I, p. 1477.

<sup>3</sup> As to present number, see now Notification No. 19, dated 15th November, 1909, Gazette of India, 1909, Pt. I, p. 1525.

<sup>4</sup> As to present number, see now Notification No. 21, dated 15th November, 1909, Gazette of India, 1909, Pt. I, p. 1593.

been signified by the Secretary of State in Council, as required by section 49 of the <sup>1</sup>Indian Councils Act, 1861, is hereby published :—

<sup>24 & 25 Vict., c. 67.</sup>

*Proclamation.*

In exercise of the power conferred by the <sup>1</sup>Indian Councils Act, 1861 (24 & 25 Vict., c. 67), section 47, the Governor General in Council is pleased to declare that, for the purposes of the said Act, the Laccadive Islands and Minicoy, which by the Proclamation <sup>2</sup>No. 292-I. A., dated the 5th February, 1909, have been declared to be subject to the Government of Madras, shall be included within the limits of the Madras Presidency.

[See Gazette of India, 1912, Pt. I, p. 88.]

**Creation of the Province of Bihar and Orissa.**

*No. 289, dated the 22nd March, 1912.*—The following proclamation to which the sanction of His Majesty the King, Emperor of India, has been signified by the Secretary of State for India in Council, is hereby published :—

*Proclamation.*

The Governor General is pleased to constitute the following territories, which are now subject to and included within the limits of the Presidency of Fort William in Bengal, namely :—

the districts of Bhagalpur, Monghyr, Purnea and the Sonthal Parganas, in the Bhagalpur Division,  
the Patna Division, comprising the districts of Gaya, Patna and Shahabad,  
the Tirhut Division, comprising the districts of Champaran, Darbhanga, Muzaffarpur and Saran,  
the Chota Nagpur Division, comprising the districts of Hazaribagh, Manbhum, Palamau, Ranchi and Singhbhum, and  
the Orissa Division, comprising the districts of Angul, Balasore, Cuttack, Puri and Sambalpur,

to be, for the purposes of the <sup>1</sup>Indian Councils Act, 1861 (24 & 25 Vict., c. 67), a Province to which the provisions of that Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort Saint George and Bombay shall be applicable.

2. The Governor General is further pleased to direct that the said Province shall be called the Province of Bihar and Orissa, and to appoint the Honourable Sir Charles Stuart Bayley, K.C.S.I., to be the first Lieutenant-Governor of the Province, with all powers and authority incident to that office.

3. The Governor General in Council is also pleased to specify the first day of April, 1912, as the time at which the application of the said provisions of the said Act to the Province of Bihar and Orissa shall take effect.

[See Gazette of India, 1912, Pt. I, p. 364.]

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> *Infra*, p. 72.

**Application of the Indian Councils Act, 1861, to the Chief Commissionership of Assam.**

*No. 2643, dated the 14th November, 1912.*—The following proclamation to which the sanction of His Majesty the King, Emperor of India, has been signified by the Secretary of State for India in Council, is hereby published:—

*Proclamation.*

In exercise of the powers conferred by the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and all other powers enabling him in this behalf, the Governor General is pleased to constitute the territories for the time being administered by the Chief Commissioner of Assam to be, for the purposes of the Indian Councils Act, 1861, a province to which the provisions of that Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort Saint George and Bombay shall be applicable.

2. The Governor General in Council is also pleased to specify the 14th day of November, 1912, as the time at which the application of the said provisions of the Indian Councils Act, 1861, to the said territories shall take effect.

[See Gazette of India, 1912, Pt. I, p. 1383.]

*No. 2371, dated the 8th November, 1913.*—The following proclamation to which the sanction of His Majesty the King, Emperor of India, has been signified by the Secretary of State for India in Council, is hereby published:—

*Proclamation.*

In exercise of the powers conferred by the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and all other powers enabling him in this behalf, the Governor General is pleased to constitute the territories for the time being administered by the Chief Commissioner of the Central Provinces to be, for the purposes of the Indian Councils Act, 1861, a province to which the provisions of that Act touching the making of laws and regulations for the peace and good government of the Presidencies of Fort Saint George and Bombay shall be applicable.

2. The Governor General in Council is also pleased to specify the 10th day of November, 1913, as the time at which the application of the said provisions of the Indian Councils Act, 1861, to the said territories shall take effect.

[See Gazette of India, Extraordinary, dated the 8th November 1913.]

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**INDIAN COUNCILS ACT, 1861 (24 & 25 VICT., c. 67) AND GOVERNMENT OF INDIA ACT, 1865 (28 & 29 VICT., c. 17).**

**Creation of the Presidency of Fort William in Bengal.**

*No. 290, dated the 22nd March, 1912.*—The following proclamation to which the sanction of His Majesty the King, Emperor of India, has

been signified by the Secretary of State for India in Council, is hereby published :—

*Proclamation.*

In exercise of the powers conferred by section 47 of the Indian Councils Act, 1861 (24 & 25 Vict., c. 67), and section 4 of the Government of India Act, 1865 (28 & 29 Vict., c. 17), and of all other powers enabling him in this behalf, the Governor General in Council is pleased to declare and appoint that, on and from the first day of April, 1912, the territories specified in the Schedule hereto annexed shall be and continue subject to the Presidency of Fort William in Bengal.

*Schedule.*

*Part I.—Territories which are now administered by the Lieutenant-Governor of Eastern Bengal and Assam.*

1. The Chittagong Division, comprising the districts of Chittagong, the Chittagong Hill-tracts, Noakhali and Tippera.
2. The Dacca Division, comprising the districts of Bakarganj, Dacca, Faridpur and Mymensingh.
3. The Rajshahi Division, comprising the districts of Bogra, Dinajpur, Jalpaiguri, Malda, Pabna, Rajshahi and Rangpur.

*Part II.—Territories which are now administered by the Lieutenant-Governor of Bengal in Council.*

4. The Burdwan Division, comprising the districts of Bankura, Birbhum, Burdwan, Hooghly, Howrah and Midnapur.
5. The Presidency Division, comprising the town of Calcutta and the districts of Jessore, Khulna, Murshidabad, Nadia and the 24-Parganas.
6. The district of Darjeeling.

[See Gazette of India, 1912, Pt. I, p. 364.]

**INDIAN HIGH COURTS ACT, 1861 (24 & 25 VICT., c. 104).**

**Declaration by Judges applying for privilege leave.**

No. 420, dated the 18th April, 1884.—In exercise of the authority vested in him by section 6 of 24 & 25 Vict., c. 104,<sup>1</sup> the Secretary of State in Council of India has directed the following addition to be made to Chapter IV of the Civil Leave Code :

**Civil Leave Code.**

**Page 155.**

<sup>2</sup>Add the following section after section 36 :—

“ 36A. A Judge applying for privilege leave (whether the leave be under section 34 or section 36) must record a declaration that he has no intention of resigning his office and retiring from the service or of taking leave of any kind for three months after his return to

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> This rule has since been embodied in the Civil Service Regulations.

duty. Though not absolutely debarred by this declaration from applying for permission to resign his office and retiring from the service, or to take leave within three months, he should, if he does so, explain his change of intention.

[See Gazette of India, 1884, Pt. I, p. 156.]

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**Letters Patent for the High Court of Judicature at Fort William in Bengal, dated  
28th December, 1865.**

Recital of  
Act 24 Vict.,  
c. 104.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting:

Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, intituled "An Act for establishing High Courts of Judicature in India,"<sup>1</sup> it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, and that such High Court should consist of a Chief Justice and as many Judges, not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Nizamut Adawlut at Calcutta, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however, to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency-town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

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<sup>1</sup> Collection of Statutes relating to India, Vol. I.

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourteenth day of May, in the Twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish, at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Fort William in Bengal, and did thereby constitute the said Court to be a Court of Record; and whereas We did thereby appoint and ordain, that the said High Court of Judicature at Fort William in Bengal should, until further or other provision should be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and thirteen Judges, and did thereby, in addition to the persons who at the time of the establishment of the said High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut, in the said Presidency respectively, constitute and appoint certain other persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court:

And whereas on the Thirtieth day of January, One thousand eight hundred and sixty-three, We did in the manner in the said recited Act provided direct and ordain that the said High Court should consist of a Chief Justice and fourteen Judges:

And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit and as might have been granted or made by such first Letters Patent:

And whereas by the Act of the Twenty-eighth of Our Reign, chapter fifteen,<sup>1</sup> entitled "An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further provision respecting the territorial Jurisdiction of the said Courts," the time for the issuing fresh Letters Patent has been extended to the First of January, One thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of justice thereby, it is expedient that the said Letters Patent, dated the Fourteenth of May, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

1. Now know Ye that We, upon full consideration of the premises, Revocation and of Our especial grace, certain knowledge, and mere motion have of Letters thought fit to revoke and do by these presents (from and after the date Patent of 1862.

<sup>1</sup> Indian High Courts Act, 1865, see Collection of Statutes relating to India, Vol. I.

of the publication thereof, as herein-after provided, and subject to the provisions thereof) revoke Our said Letters Patent of the Fourteenth of May, One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Fourteenth Year of His Majesty King George the Third, dated the Twenty-sixth of March, One thousand seven hundred and seventy-four, establishing a Supreme Court of Judicature at Fort William in Bengal, were revoked or determined thereby.

High Court  
at Fort  
William to  
be continued.

2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the 14th of May, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Fort William in Bengal shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Fort William in Bengal for the Bengal division of the Presidency of Fort William aforesaid; and that the said Court shall be and continue a Court of Record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority.

Judges of the  
said High  
Court to be  
continued.

3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at Fort William in Bengal shall continue to be the Chief Justice and Judges, or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India.

Clerks, etc.,  
of the said  
High Court  
to be conti-  
nued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Fort William in Bengal, appointed by virtue of the said Letters Patent of the Fourteenth of May, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed until he be removed from such office and employment; and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

Declaration  
to be made  
by Judges.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Fort William in Bengal previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor General in Council may commission to receive it:—

“I, A.B., appointed Chief Justice [*or a Judge*] of the High Court of Judicature at Fort William in Bengal, do solemnly declare that I

will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."



Seal.

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Fort William in Bengal shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, with an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Fort William in Bengal." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section 7 of the said recited Act; and We do further grant, ordain, and appoint that whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered, to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

7. And We do hereby further grant, ordain, and appoint that all Writs, etc., writs, summons, precepts, rules, orders, and other mandatory process to issue in to be used, issued, or awarded by the said High Court of Judicature name of the at Fort William in Bengal shall run and be in the name and style of Crown and Us, or of Our heirs and successors, and shall be sealed with the seal of under Seal. the said High Court.

8. And We do hereby authorize and empower the Chief Justice of Appointment the said High Court of Judicature at Fort William in Bengal from time of officers. to time, as occasion may require, and subject to any rules and restrictions, which may be prescribed by the Governor General in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor General in Council, and shall be either confirmed or disallowed by the Governor General in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place respectively, and as the Governor General in Council shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor General in Council and to absent himself from the

said limits during the term of such leave, in accordance with the said Rules.

*Admission of Advocates, Vakeels, and Attorneys.*

Powers of  
High Court  
in admitting  
Advocates,  
Vakeels and  
Attorneys.

9. And We do hereby authorize and empower the said High Court of Judicature at Fort William in Bengal to approve, admit, and enrol such and so many Advocates, Vakeels, and Attorneys, as to the said High Court shall seem meet; and such Advocates, Vakeels, and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

In making  
rules for the  
qualifications,  
etc., of Ad-  
vocates, Va-  
keels and  
Attorneys.

10. And We do hereby ordain that the said High Court of Judicature at Fort William in Bengal shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

*Civil jurisdiction of the High Court.*

Local limits  
of the ordi-  
nary original  
jurisdiction  
of the High  
Court.

11. And We do hereby ordain that the said High Court of Judicature at Fort William in Bengal shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by competent legislative authority for India, and until some local limits shall be so declared and prescribed, within the limits declared and prescribed by the proclamation fixing the limits of Calcutta issued by the Governor General in Council on the Tenth day of September in the year of our Lord One thousand seven hundred and ninety-four, and the ordinary original civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original  
jurisdiction  
as to suits.

12. And We do further ordain, that the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the Defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the

Small Cause Court at Calcutta, in which the debt or damage, or value of the property sued for does not exceed One hundred rupees.

13. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have power to remove, and to Extraordinary jurisdiction. determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Bengal division of the Presidency of Fort William, subject to its superintendence, when the said High Court shall think proper to do so either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

14. And We do further ordain that where Plaintiff has several causes of action against Defendant, such causes of action not being for several causes of action. land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the Defendant to show cause why the several causes of action should not be joined together in one suit and to make such order for trial of the same as to the said High Court shall seem fit.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Fort William in Bengal from the judgment of one Judge of the said High Court, or of one Judge of any Division Court, pursuant to section 13 of the said recited Act; and that an appeal shall also lie to the said High Court from the judgment not being a sentence or order as aforesaid of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of the said High Court, or of such Division Court shall be to Us, Our heirs or successors, in Our or their Privy Council, as herein-after provided.

16. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall be a Court of Appeal from the Civil Courts of the Bengal division of the Presidency of Fort William, and from all other Courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

17. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have the like power and authority as to infants and lunatics. with respect to the persons and estates of infants, idiots, and lunatics within the Bengal division of the Presidency of Fort William as that which was vested in the said High Court immediately before the publication of these presents.

18. And We do further ordain that the Court for relief of insolvent debtors at Calcutta shall be held before one of the Judges of the said High Court of Judicature at Fort William in Bengal, and the said Court.

High Court, and any such Judge thereof, shall have and exercise, within the Bengal division of the Presidency of Fort William, such powers and authorities with respect to original and appellate jurisdiction and otherwise, as are constituted by the laws relating to insolvent debtors in India.

*Law to be administered by the High Court of Judicature at Fort William in Bengal.*

By the High Court in the exercise of ordinary original civil jurisdiction.

19. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

In the exercise of extraordinary original civil jurisdiction.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Fort William in Bengal, in the exercise of its extraordinary original civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

By the High Court in the exercise of appellate jurisdiction.

21. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Fort William in Bengal, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

*Criminal Jurisdiction.*

Ordinary original jurisdiction of the High Court.

22. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have ordinary original criminal jurisdiction within local limits of its ordinary original civil jurisdiction; and also in respect of all such persons, both within the limits of the Bengal division of the Presidency of Fort William, and beyond such limits, and not within the limits of the criminal jurisdiction of any other High Court or Court established by competent legislative authority for India, as the said High Court of Judicature at Fort William in Bengal shall have criminal jurisdiction over at the date of the publication of these presents.

Jurisdiction as to persons.

23. And We do further ordain that the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

24. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the

said High Court, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate General, or by any magistrate or other officer specially empowered by the Government in that behalf.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Fort William in Bengal from any sentence or order passed or made in any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law, for the opinion of the said High Court.

26. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the Advocate General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court, shall be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

27. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall be a court of appeal from the criminal Courts of the Bengal division of the Presidency of Fort William, and from all other courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

28. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall be a court of reference and revision from the criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorized to refer cases to the said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction, as are now subject to reference to or revision by the said High Court.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any Court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or Court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or Court.

#### *Criminal Law.*

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at Fort William in Bengal be punished either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with

Offenders to be punished under Indian Penal Code.

any offence for which provision is made by Act No. XLV of 1860, called the "Indian Penal Code,"<sup>1</sup> or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

*Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.*

Judges may be authorized to sit in any places by way of circuit or special commission.

31. And We do further ordain that whenever it shall appear to the Governor General in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at Fort William in Bengal should be exercised in any place within the jurisdiction of any court now subject to the superintendence of the said High Court other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto which has been or may be made by competent legislative authority for India.

*Admiralty and Vice-Admiralty Jurisdiction.*

Civil.

32. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have and exercise all such civil and maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have and exercise all such criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, or otherwise in connection with maritime matters or matters of prize.

*Testamentary and Intestate Jurisdiction.*

Testamentary and intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have the like power and authority as that which may now be lawfully exercised by the said High Court, except within the limits of the jurisdiction for that purpose of any other High Court established by Her Majesty's Letters Patent, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the said Bengal division, subject to the orders of the Governor General in Council as to the period when the said High Court shall cease to exercise testamentary and intestate jurisdiction in any place or places beyond the limits of the Provinces or places for which it was established: Provided always, that nothing in these Letters Patent contained shall

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<sup>1</sup> See now the revised edition of the Code, as modified up to 1st June, 1910.

interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

#### *Matrimonial Jurisdiction.*

35. And We do further ordain that the said High Court of Judicature at Fort William in Bengal shall have jurisdiction, within the Bengal division of the Presidency of Fort William, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

#### *Powers of Single Judges and Division Courts.*

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Fort William in Bengal, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act<sup>1</sup> of the Twenty-fourth and Twenty-fifth Years of Our Reign; and if such Division Court is composed of two or more Judges and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

#### *Civil Procedure.*

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Fort William in Bengal from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its Admiralty, Vice-Admiralty, testamentary, intestate and matrimonial jurisdiction respectively: Provided always, that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the <sup>2</sup>Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India.

#### *Criminal Procedure.*

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Fort William in Bengal, in the exercise of its ordinary original criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and

<sup>1</sup> The Indian High Courts Act, 1861, see Collection of Statutes relating to India, Vol. I.

<sup>2</sup> See now Act V of 1908.

practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the <sup>1</sup>Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

*Appeals to Privy Council.*

Power to appeal.

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at Fort William in Bengal made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court from which an appeal shall not lie to the said High Court under the provision contained in the 15th clause of these presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 Rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand or question to or respecting property amounting to or of the value of not less than Rupees 10,000; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

Appeal from interlocutory judgments.

40. And We do further ordain that it shall be lawful for the said High Court of Judicature at Fort William in Bengal, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations and limitations as are herein expressed respecting appeals from final judgments, decrees, orders and sentences.

Appeal in criminal cases, etc.

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at Fort William in Bengal, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner herein-before provided,

<sup>1</sup> See now Act V of 1898, as modified up to 1st August, 1909.

by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

42. And We do further ordain that, in all cases of appeal made Rule as to from any judgment, order, sentence, or decree of the said High Court transmission of copies of evidence and of Judicature at Fort William in Bengal to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and other documents transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, of decretal orders, or other order or rule of the said High Court, should or might have been executed.

*Calls for Records, etc., by the Government.*

43. And it is Our further will and pleasure that the said High Court of Judicature at Fort William in Bengal shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

44. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an <sup>1</sup>Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter Sixty-seven, and may be in all respects amended and altered thereby.

45. And it is Our further will and pleasure that these Letters Patent shall be published by the Governor General in Council, and shall come into operation from and after the date of such publication; and that so much of the aforesaid Letters Patent granted by His Majesty King George the Third as was not revoked or determined by the said Letters

<sup>1</sup> The Indian Councils Act, 1861, Collection of Statutes relating to India, Vol. I.

Patent of the Fourteenth of May One thousand eight hundred and Sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In witness thereof We have caused these Our Letters to be made Patent. Witness Ourselv at Westminster the Twenty-eighth day of December in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

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**Letters Patent for the High Court of Judicature for the Presidency of Madras, dated  
28th December, 1865.**

Recital of  
Act 24 & 25  
Vict., c. 104.

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting: Whereas by an Act of Parliament passed in the Twenty-fourth and Twenty-fifth Years of Our Reign, intituled "An Act for establishing High Courts of Judicature in India,"<sup>1</sup> it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Madras, for the Presidency of Madras aforesaid, and that such High Court should consist of a Chief Justice and as many Judges, not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid, the Supreme Court and the Court of Sudder Dewanny Adawlut and Foujdary Adawlut at Madras, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of Justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however, to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency-town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor

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<sup>1</sup> Collection of Statutes relating to India, Vol. I.

General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas We did, upon full consideration of the premises think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the twenty-sixth day of June, in the Twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish at Madras, for the Presidency of Madras aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Madras, and did thereby constitute the said Court to be a Court of Record; and whereas we did thereby appoint and ordain, that the said High Court of Judicature at Madras should, until further or other provision should be made by Us, or Our heirs and successors in that behalf, in accordance with the recited Act, consist of a Chief Justice and five Judges, and did thereby constitute and appoint certain persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court:

And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit, and as might have been granted or made by such first Letters Patent:

And whereas by the Act of the Twenty-eighth year of Our Reign, <sup>Title.</sup> chapter fifteen,<sup>1</sup> entitled "An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the territorial Jurisdiction of the said Courts," the time for issuing fresh Letters Patent has been extended to the first of January, One thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of Justice thereby, it is expedient that the said Letters Patent, dated the Twenty-sixth of June, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

1. Now know ye that We, upon full consideration of the premises, Revocation and of Our especial grace, certain knowledge, and mere motion, have <sup>of Letters</sup> <sup>Patent of</sup> <sup>1862.</sup> thought fit to revoke, and do by these presents (from and after the date of the publication thereof, as hereinafter provided, and subject to the provisions thereof) revoke Our said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, except so far

as the Letters Patent of the Forty-first Year of His Majesty King George the Third, dated the Twenty-sixth of December, One thousand eight hundred, establishing a Supreme Court of Judicature at Madras, were revoked or determined thereby.

High Court  
at Madras  
to be conti-  
nued.

2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Madras shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Madras for the Presidency of Madras aforesaid: and that the said Court shall be and continue a Court of record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby until the same are altered by competent authority.

Judges of the  
said High  
Court to be  
continued.

3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at Madras, shall continue to be the Chief Justice and Judges or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India.

Clerks, etc.  
of the said  
High Court  
to be conti-  
nued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Madras, appointed by virtue of the said Letters Patent of the Twenty-sixth June, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed, until he be removed from such office and employment; and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

Declaration  
to be made  
by Judges.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Madras, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor in Council may commission to receive it:—

“I, A.B., appointed Chief Justice [*or a Judge*] of the High Court of Judicature at Madras, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment.”

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Madras shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms,

Seal.

with an exergue or label surrounding the same, with this inscription, "The Seal of the High Court at Madras." And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of Section 7 of the said recited Act; and We do further grant, ordain, and appoint that whensoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said seal be committed shall be vacant the said High Court shall be and is hereby authorized and empowered to demand, seize, and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

7. And We do hereby further grant, ordain, and appoint that all Writs, etc., writs, summonses, precepts, rules, orders, and other mandatory process to be used, issued, or awarded by the said High Court of Judicature at Madras, shall run and be in the name and style of Us, or of Our heirs and successors, and shall be sealed with the seal of the said High Court.

8. And We do hereby authorise and empower the Chief Justice of the said High Court of Judicature at Madras from time to time as occasion may require, and subject to any rules and restrictions, which may be prescribed by the Governor in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice, and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Governor in Council, and shall be either confirmed or disallowed by the Governor in Council. And it is Our further will and pleasure, and We do hereby, for Us, Our heirs and successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall, from time to time, appoint for each office and place respectively, and as the Governor in Council, subject to the control of the Governor General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said rules.

#### *Admission of Advocates, Vakeels, and Attorneys.*

9. And We hereby authorise and empower the said High Court of Judicature at Madras to approve, admit, and enrol such and ~~so~~ High Court

*in admitting  
Advocates,  
Vakeels, and  
Attorneys.* many Advocates, Vakeels, and Attorneys, as to the said High Court shall seem meet; and the said Advocates, Vakeels, and Attorneys shall be and are hereby authorised to appear for the suitors of the said High Court, and to plead or to act, or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

*In making  
rules for the  
qualifications,  
etc., of Ad-  
vocates, Va-  
keels and  
Attorneys.* 10. And We do hereby ordain that the said High Court of Judicature at Madras shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or plead for, or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

#### *Civil Jurisdiction of the High Court.*

*Local limits  
of the ordi-  
nary original  
jurisdiction  
of the High  
Court.*

11. And We do hereby ordain that the said High Court of Judicature at Madras shall have and exercise ordinary original civil jurisdiction within such local limits as may from time to time be declared and prescribed by any law made by the Governor in Council, and, until some local limits shall be so declared and prescribed, within the limits of the local jurisdiction of the said High Court of Madras at the date of the publication of these presents, and the ordinary original civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

*Original  
jurisdiction  
as to suits.*

12. And We do further ordain that the said High Court of Judicature at Madras, in the exercise of its ordinary original civil jurisdiction, shall be empowered to receive, try, and determine suits of every description, if, in the case of suits for land or other immoveable property, such land or property shall be situated, or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the Defendant at the time of the commencement of the suit shall dwell, or carry on business, or personally work for gain within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause-Court at Madras, in which the debt or damage, or value of the property sued for does not exceed One hundred rupees.

*Extraordi-  
nary original  
civil juris-  
diction.*

13. And We do further ordain that the said High Court of Judicature at Madras shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of Madras, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the

parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

14. And We do further ordain that where Plaintiff has several Joinder of causes of action against Defendant, such causes of action not being several causes of for land or other immoveable property, and the said High Court shall action have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the Defendant to show cause why the several causes of action should not be joined together in one suit, and to make such order of trial of the same as to the said High Court shall seem fit.

15. And We do further ordain that an appeal shall lie to the said Appeal from High Court of Judicature at Madras from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the Courts of original jurisdiction of the said High Court, or of one Judge of any Division Court, pursuant to the High to section 13 of the said recited Act; and that an appeal shall also lie Court in its to the said High Court from the judgment, not being a sentence or order appellate jurisdiction, as aforesaid, of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council, as hereinafter provided.

16. And We do further ordain that the said High Court of Judica- Appeal from ture at Madras shall be a Court of appeal from the Civil Courts of the Courts in the Presidency of Madras, and from all other Courts subject to its superin- Provinces. tudence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

17. And We do further ordain that the said High Court of Judica- Jurisdiction ture at Madras shall have the like power and authority with respect as to infants to the persons and estates of infants, idiots, and lunatics within and lunatics. the Presidency of Madras as that which was vested in the said High Court immediately before the publication of these presents.

18. And We do further ordain that the Court for relief of insol- Provision vent debtors at Madras shall be held before one of the Judges of with respect the said High Court of Judicature at Madras, and the said High Court, vent Court. and any such Judge thereof, shall have and exercise, within the Presidency of Madras, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India.

*Law to be administered by the High Court.*

19. And We do further ordain that, with respect to the law or By the High equity to be applied to each case coming before the said High Court Court in the of Judicature at Madras, in the exercise of its ordinary original civil exercise of jurisdiction, such law or equity shall be the law or equity which would ordinary ori-

ginal civil jurisdiction.

In the exercise of extraordinary original civil jurisdiction.

By the High Court in the exercise of appellate jurisdiction.

Ordinary original jurisdiction of the High Court.

Jurisdiction as to persons.

Extraordinary original criminal jurisdiction.

No appeal from High Court exercising original jurisdiction. Court may reserve points of law.

High Court to review on certificate of the Advocate General.

have been applied by the said High Court to such case if these Letters Patent had not issued.

20. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Madras, in the exercise of its extraordinary original civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

21. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Madras, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

#### *Criminal Jurisdiction.*

22. And We do further ordain that the said High Court of Judicature at Madras shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction; and also in respect of all such persons, beyond such limits, over whom the said High Court of Judicature at Madras shall have criminal jurisdiction at the date of the publication of these presents.

23. And We do further ordain that the said High Court of Judicature at Madras, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

24. And We do further ordain that the said High Court of Judicature at Madras shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such persons brought before it on charges preferred by the Advocate General, or by any magistrate or other officer specially empowered by the Government in that behalf.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Madras from any sentence or order passed or made in any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

26. And We do further ordain that, on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original

criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court shall be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

27. And We do further ordain that the said High Court of Judicature at Madras shall be a court of appeal from the criminal courts of the Presidency of Madras, and from all other courts subject to its superintendence, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

28. And We do further ordain that the said High Court of Judicature at Madras shall be a court of reference and revision from the criminal courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorised to refer cases to the said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction, as are now subject to reference or to revision by the said High Court.

29. And We do further ordain that the said High Court shall have power to direct the transfer of any criminal case or appeal from any court to any other court of equal or superior jurisdiction, and also to direct the preliminary investigation or trial of any criminal case by any officer or court otherwise competent to investigate or try it though such case belongs in ordinary course to the jurisdiction of some other officer or court.

#### *Criminal Law.*

30. And We do further ordain that all persons brought for trial before the said High Court of Judicature at Madras, either in the exercise of its original jurisdiction, or in the exercise of its jurisdiction as a court of appeal, reference, or revision, charged with any offence for which provision is made by 'Act No. XLV of 1860, called the "Indian Penal Code,"' or by any Act amending or extending the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

#### *Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.*

31. And We do further ordain that whenever it shall appear to the Governor in Council convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court of Judicature at Madras, should be exercised in any place within the jurisdiction of any Court now subject to the superintendence

\* See now the revised edition of the Code, as modified up to 1st June, 1910.

way of circuit or special commission.

of the said High Court, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto, which has been or may be made by competent legislative authority for India.

*Admiralty and Vice-Admiralty Jurisdiction.*

Civil.

32. And We do further ordain that the said High Court of Judicature at Madras shall have and exercise all such civil and maritime jurisdiction as may now be exercised by the said High Court as a Court of Admiralty or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India as may now be exercised by the said High Court.

Criminal.

33. And We do further ordain that the said High Court of Judicature of Madras shall have and exercise all such criminal jurisdiction as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, or otherwise in connection with maritime matters, or matters of prize.

*Testamentary and Intestate Jurisdiction.*

Testamentary and intestate jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Madras shall have the like power and authority as that which may now be lawfully exercised by the said High Court, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever of persons dying intestate, whether within or without the Presidency of Madras: Provided always, that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

*Matrimonial Jurisdiction.*

Matrimonial jurisdiction.

35. And We do further ordain that the said High Court of Judicature at Madras shall have jurisdiction, within the Presidency of Madras, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

*Powers of Single Judges and Division Courts.*

Single Judges and Division Courts.

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Madras, in the exercise of its original or appellate jurisdiction, may be performed by any Judge, or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth.

Section of the aforesaid Act<sup>1</sup> of the Twenty-fourth and Twenty-fifth Years of Our reign; and if such Division Court is composed of two or more Judges, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

#### *Civil Procedure.*

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Madras from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceedings in its admiralty, vice-admiralty, testamentary, intestate, and matrimonial jurisdiction respectively: Provided always, that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the Code of Civil Procedure, being an Act passed by the Governor General in Council, and being <sup>2</sup>Act No. VIII of 1859, and the provisions of any law which has been made, amending or altering the same, by competent legislative authority for India.

#### *Criminal Procedure.*

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Madras, in the exercise of its ordinary original criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being <sup>3</sup>Act XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

#### *Appeals to Privy Councils.*

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature at Madras made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High

<sup>1</sup> The Indian High Courts Act, 1861 (24 & 25 Vict., c. 104), Collection of Statutes relating to India, Vol. I.

<sup>2</sup> See now Act V of 1908.

<sup>3</sup> See now Act V of 1898, as modified up to 1st August, 1909.

Court under the provision contained in the 15th clause of these Presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of our Privy Council, hereafter make in that behalf.

**Appeal from  
interlocu-  
tory judg-  
ments.**

40. And We do further ordain that it shall be lawful for the said High Court of Judicature at Madras, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

**Appeal in  
criminal  
cases, etc.**

41. And We do further ordain that from any judgment, order, or sentence of the said High Court of Judicature at Madras, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner herein-before provided by any court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our heirs or successors, in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

**Rule as to  
transmission  
of copies of  
evidence and  
other docu-  
ments.**

42. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at Madras to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by

any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

*Calls for Records, etc., by the Government.*

43. And it is Our further will and pleasure that the said High Court of Judicature at Madras shall comply with such requisitions with requisition as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem Government for records, etc.

44. And We do further ordain and declare that all the provisions Powers of of these Our Letters Patent are subject to the legislative powers of Indian Le- the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter sixty-seven, and may be in all respects amended and altered thereby.

45. And it is Our further will and pleasure that these Letters Provisions of Patent should be published by the Governor in Council, and shall former come into operation from and after the date of such publication; and Letters that from and after the date on which effect shall have been given to inconsistent them, so much of the aforesaid Letters Patent granted by His with these Majesty King George the Third as was not revoked or determined Letters Pa- by the said Letters Patent of the Twenty-sixth of June, One thousand void. eight hundred and sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void to all intents and purposes whatsoever.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselv<sup>t</sup> at Westminster the Twenty-eighth day of December in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

[Statutory Rules and Orders Revised, Vol. IV, p. 96.]

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INDIAN HIGH COURTS ACT, 1861 (24 & 25 VICT., c. 104).

**Letters Patent for the High Court of Judicature for the Presidency of Bombay,  
dated 28th December, 1865.**

VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, To all to whom these Presents shall come, greeting: Whereas by an Act of Parliament

passed in the Twenty-fourth and Twenty-fifth Years of our Reign intituled "An Act for establishing High Courts of Judicature in India"<sup>1</sup> it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Bombay, for the Presidency of Bombay aforesaid, and that such High Court should consist of a Chief Justice and as many Judges not exceeding fifteen as Her Majesty might from time to time think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid the Supreme Court and the Court of Sudder Dewanny Adawlut and Sudder Foujdarry Adawlut at Bombay, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all civil, criminal, admiralty, and vice-admiralty, testamentary, intestate, and matrimonial jurisdiction, original and appellate, and all such powers and authority, for and in relation to the administration of justice in the said Presidency, as Her Majesty might, by such Letters Patent as aforesaid, grant and direct, subject, however, to such directions and limitations as to the exercise of original, civil and criminal jurisdiction beyond the limits of the Presidency-town as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction and every power and authority whatsoever in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Twenty-sixth day of June in the Twenty-fifth Year of Our Reign, in the year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish at Bombay, for the Presidency of Bombay aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Bombay, and did thereby constitute the said Court to be a Court of Record; and whereas We did thereby appoint and ordain that the said High Court of Judicature at Bombay should, until further or other provision should be made by Us or Our heirs and successors in that behalf, in accordance with the recited Act, consist

of a Chief Justice and six Judges, and did thereby constitute and appoint certain persons, being respectively qualified as in the said Act is declared, to be Judges of the said High Court: and whereas on the Sixth day of July, One thousand eight hundred and sixty-three, We did, in accordance with the provisions of the said recited Act, increase the number of the Judges of the said Court to a Chief Justice and seven Judges: .

And whereas by the said recited Act it is declared lawful for Her Majesty, at any time within three years after the establishment of the said High Court, by Her Letters Patent, to revoke all or such parts or provisions as Her Majesty might think fit of the Letters Patent by which such Court was established, and to grant and make such other powers and provisions as Her Majesty might think fit, and as might have been granted or made by such first Letters Patent:

And whereas by the Act of the Twenty-eighth of our Reign, chapter Title. fifteen,<sup>1</sup> entitled "An Act to extend the Term for granting fresh Letters Patent for the High Courts in India, and to make further Provision respecting the territorial Jurisdiction of the said Courts," the time for issuing fresh Letters Patent has been extended to the first of January, One thousand eight hundred and sixty-six:

And whereas, in order to make further provision respecting the constitution of the said High Court, and the administration of justice thereby, it is expedient that the said Letters Patent dated the Twenty-sixth of June, One thousand eight hundred and sixty-two, should be revoked, and that some of the powers and provisions thereby granted and made should be granted and made with amendments and additional powers and provisions by fresh Letters Patent:

1. Now know ye that We, upon full consideration of the premises Revocation and of Our especial grace, certain knowledge and mere motion, have of Letters thought fit to revoke, and do by these presents (from and after the date of Patent of 1862. of the publication thereof, as hereinafter provided, and subject to the provisions thereof) revoke our said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, except so far as the Letters Patent of the Fourth Year of His Majesty King George the Fourth, dated the Eighth day of December, One thousand eight hundred and twenty-three, establishing a Supreme Court of Judicature at Bombay, were revoked or determined thereby.

2. And We do by these presents grant, direct, and ordain that, notwithstanding the revocation of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, the High Court of Judicature called the High Court of Judicature at Bombay shall be and continue, as from the time of the original erection and establishment thereof, the High Court of Judicature at Bombay for the Presidency of Bombay aforesaid, and that the said Court shall be and continue a Court of Record, and that all proceedings commenced in the said High Court prior to the date of the publication of these Letters Patent shall be continued and depend in the said High Court as if they had commenced

<sup>1</sup> The Indian High Courts Act, 1865, Collection of Statutes relating to India, Vol. I.

in the said High Court after the date of such publication, and that all rules and orders in force in the said High Court immediately before the date of the publication of these Letters Patent shall continue in force, except so far as the same are altered hereby, until the same are altered by competent authority.

Judges of the  
said High  
Court to be  
continued.

3. And We do hereby appoint and ordain that the person and persons who shall immediately before the date of the publication of these Letters Patent be the Chief Justice and Judges, or acting Chief Justice or Judges, if any, of the said High Court of Judicature at Bombay shall continue to be the Chief Justice and Judges, or acting Chief Justice or Judges, of the said High Court, until further or other provision shall be made by Us or Our heirs and successors in that behalf, in accordance with the said recited Act for establishing High Courts of Judicature in India.

Clerks, etc.,  
of the said  
High Court  
to be conti-  
nued.

4. And We do hereby appoint and ordain that every clerk and ministerial officer of the said High Court of Judicature at Bombay appointed by virtue of the said Letters Patent of the Twenty-sixth of June, One thousand eight hundred and sixty-two, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed, until he be removed from such office and employment, and he shall be subject to the like power of removal, regulations, and provisions as if he were appointed by virtue of these Letters Patent.

Declaration  
to be made  
by Judges.

5. And We do hereby ordain that the Chief Justice and every Judge who shall be from time to time appointed to the said High Court of Judicature at Bombay, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor in Council may commission to receive it :—

“ I, A.B., appointed Chief Justice [or a Judge] of the High Court of Judicature at Bombay, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment.”

6. And We do hereby grant, ordain, and appoint that the said High Court of Judicature at Bombay shall have, and use as occasion may require, a seal bearing a device and impression of our Royal Arms within an exergue or label surrounding the same, with this inscription “The Seal of the High Court at Bombay.” And We do further grant, ordain, and appoint that the said seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section seven of the said recited Act; and we do further grant, ordain, and appoint that whensoever it shall happen that the office of the Chief Justice, or of the Judge to whom the custody of the said seal be committed, shall be vacant, the said High Court shall be and is hereby authorised and empowered to demand, seize and take the said seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

Seal.

7. And We do hereby further grant, ordain, and appoint that all Writs, etc.,  
writs, summons, precepts, rules, orders, and other mandatory process to issue in  
to be used, issued or awarded by the said High Court of Judica- name of the  
ture at Bombay shall run and be in the name and style of Us, or of Crown and  
Our heirs and successors, and shall be sealed with the seal of the said under Seal.  
High Court.

8. And We do hereby authorise and empower the Chief Justice of Appointment  
the said High Court of Judicature at Bombay from time to time, as oc- of officers.  
casion may require and subject to any rules and restrictions which may  
be prescribed by the Governor in Council, to appoint so many and such  
clerks and other ministerial officers as shall be found necessary for the  
administration of justice, and the due execution of all the powers and  
authorities granted and committed to the said High Court by these Our  
Letters Patent. And We do hereby ordain that every such appointment  
shall be forthwith submitted to the approval of the Governor in Council,  
and shall be either confirmed or disallowed by the Governor in Council.  
And it is Our further will and pleasure, and We do hereby, for Us, Our  
heirs and successors, give, grant, direct, and appoint that all and every  
the officers and clerks to be appointed as aforesaid shall have and re-  
ceive respectively such reasonable salaries as the Chief Justice shall from  
time to time appoint for each office and place respectively and as the  
Governor in Council, subject to the control of the Governor General  
in Council, shall approve of: Provided always and it is Our will and  
pleasure, that all and every the officers and clerks to be appointed as  
aforesaid shall be resident within the limits of the jurisdiction of the said  
Court so long as they shall hold their respective offices; but this proviso  
shall not interfere with or prejudice the right of any officer or clerk  
to avail himself of leave of absence under any rules prescribed by  
the Governor in Council, and to absent himself from the said limits  
during the term of such leave in accordance with the said rules.

#### *Admission of Advocates, Vakeels and Attorneys.*

9. And We do hereby authorise and empower the said High Court Powers of  
of Judicature at Bombay to approve, admit, and enrol such and so many  
Advocates, Vakeels, and Attorneys as to the said High Court shall  
seem meet; and such Advocates, Vakeels, and Attorneys shall be and are  
hereby authorised to appear for the suitors of the said High Court, and  
to plead or to act, or to plead and act, for the said suitors according as  
the said High Court may by its rules and directions determine, and  
subject to such rules and directions.

10. And We do hereby ordain that the said High Court of Judi- In making  
cature at Bombay shall have power to make rules for the qualification rules for the  
and admission of proper persons to be Advocates, Vakeels, and Attor- qualifications,  
neys-at-law of the said High Court, and shall be empowered to remove cates, Vakeels  
or to suspend from practice, on reasonable cause, the said Advocates, and Attor-  
Vakeels, or Attorneys-at-law; and no person whatsoever but such neys.  
Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for,  
or on behalf of, any suitor in the said High Court; except that any suitor

shall be allowed to appear, plead, or act on his own behalf or on behalf of a co-suitor.

*Civil Jurisdiction of the High Court.*

Local limits  
of the ordinary  
original  
jurisdiction  
of the High  
Court.

11. And We do hereby ordain that the said High Court of Judicature at Bombay shall have and exercise ordinary original civil jurisdiction within such local limits as may, from time to time, be declared and prescribed by any law made by the Governor in Council, and until some local limits shall be so declared and prescribed, within the limits of the local jurisdiction of the said High Court of Bombay at the date of the publication of these presents, and the ordinary original civil jurisdiction of the said High Court shall not extend beyond the limits for the time being declared and prescribed as the local limits of such jurisdiction.

Original  
jurisdiction  
as to suits.

12. And We do further ordain that the said High Court of Judicature at Bombay in the exercise of its ordinary original civil jurisdiction shall be empowered to receive, try and determine suits of every description, if in the case of suits for land or other immoveable property, such land or property shall be situated or in all other cases if the cause of action shall have arisen, either wholly, or, in case the leave of the Court shall have been first obtained, in part, within the local limits of the ordinary original jurisdiction of the said High Court, or if the defendant at the time of the commencement of the suit shall dwell or carry on business, or personally work for gain, within such limits; except that the said High Court shall not have such original jurisdiction in cases falling within the jurisdiction of the Small Cause Court at Bombay, in which the debt or damage or value of property sued for does not exceed one hundred rupees.

Extraordi-  
nary original  
civil juris-  
diction.

13. And We do further ordain that the said High Court of Judicature at Bombay shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit being or falling within the jurisdiction of any Court, whether within or without the Presidency of Bombay, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

Joiner of  
several causes  
of action.

14. And We do further ordain that where plaintiff has several causes of action against defendant, such causes of action not being for land or other immoveable property, and the said High Court shall have original jurisdiction in respect of one of such causes of action, it shall be lawful for the said High Court to call on the defendant to show cause why the several causes of action should not be joined together in one suit and to make such order for trial of the same as to the said High Court shall seem fit.

Appeal from  
the Court of  
original juris-  
diction to.

15. And We do further ordain that an appeal shall lie to the said High Court of Judicature at Bombay from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court, or of one Judge of any Division Court, pursuant

to section thirteen of the said recited Act; and that an appeal shall also lie the High Court in its jurisdiction. to the said High Court from the judgment, not being a sentence or order of such appellate jurisdiction, of two or more Judges of the said High Court; or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of appeal from other judgments of Judges of the said High Court, or of such Division Court, shall be to Us, Our heirs or successors, in Our or their Privy Council as hereinafter provided.

16. And We do further ordain that the said High Court of Judicature at Bombay shall be a Court of appeal from the Civil Courts in the Provinces, of the Presidency of Bombay, and from all other Courts subject to its superintendence and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

17. And We do further ordain that the said High Court of Judicature at Bombay shall have the like power and authority with respect as to infants and lunatics, to the persons and estates of infants, idiots, and lunatics within the Bombay Presidency as that which was vested in the said High Court immediately before the publication of these presents.

18. And We do further ordain that the Court for relief of insolvent debtors at Bombay shall be held before one of the Judges of the said High Court of Judicature at Bombay, and the said High Court and any such Judge thereof shall have and exercise, within the Presidency of Bombay, such powers and authorities with respect to original and appellate jurisdiction and otherwise as are constituted by the laws relating to insolvent debtors in India.

#### *Law to be administered by the High Court.*

19. And We do further ordain that with respect to the law or equity to be applied to each case coming before the said High Court in the exercise of its ordinary original civil jurisdiction, such law or equity shall be the law or equity which would have been applied by the said High Court to such case if these Letters Patent had not issued.

20. And We do further ordain that with respect to the law or equity and rule of good conscience to be applied to each case coming before the said High Court of Judicature at Bombay, in the exercise of its extraordinary original civil jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which would have been applied to such case by any local Court having jurisdiction therein.

21. And We do further ordain that with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature at Bombay to each case coming before it, in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which

the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

*Criminal Jurisdiction.*

Ordinary original jurisdiction of the High Court.

22.<sup>1</sup> And We do further ordain that the said High Court of Judicature at Bombay shall have ordinary original criminal jurisdiction within the local limits of its ordinary original civil jurisdiction, and also in respect of all persons beyond such limits over whom the said High Court of Judicature at Bombay shall have criminal jurisdiction at the date of the publication of these presents.

Jurisdiction as to persons. 23. And We do further ordain that the said High Court of Judicature at Bombay, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordinary original criminal jurisdiction.

24. And We do further ordain that the said High Court of Judicature at Bombay shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the said High Court, and shall have authority to try at its discretion any such person brought before it on charges preferred by the Advocate General, or by any magistrate or other officer specially empowered by the Government in that behalf.

No appeal from High Court exercising original jurisdiction. Court may reserve points of law.

25. And We do further ordain that there shall be no appeal to the said High Court of Judicature at Bombay from any sentence or order passed or made in any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

High Court to review on certificate of the Advocate General.

26. And We do further ordain that on such point or points of law being so reserved as aforesaid, or on its being certified by the said Advocate General that, in his judgment, there is an error in the decision of a point or points of law decided by the Court of original criminal jurisdiction, or that a point or points of law which has or have been decided by the said Court should be further considered, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

Appeals from Criminal Courts in the Provinces.

27. And We do further ordain that the said High Court of Judicature at Bombay shall be a court of appeal from the criminal courts of the Presidency of Bombay, and from all other courts, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any law now in force.

Hearing of referred cases, and

28. And We do further ordain that the said High Court of Judicature at Bombay shall be a court of reference and revision from the

<sup>1</sup> This section was substituted by s. 1 of Act 23 of 1866, see Bom. Code, Vol. I, p. 88.

criminal courts subject to its appellate jurisdiction, and shall have power revision of to hear and determine all such cases referred to it by the Session criminal Judges, or by any other officers now authorised to refer cases to the trials. said High Court, and to revise all such cases tried by any officer or court possessing criminal jurisdiction as are now subject to reference to or revision by the said High Court.

29. And We do further ordain that the said High Court shall have High Court power to direct the transfer of any criminal case or appeal from any may direct Court to any other court of equal or superior jurisdiction, and also <sup>the transfer</sup> to direct the preliminary investigation or trial of any criminal case from one by any officer or court otherwise competent to investigate or try it, Court to an- though such case belongs in ordinary course to the jurisdiction of some other. other officer or court.

#### *Criminal Law.*

30. And We do further ordain that all persons brought for trial be- Offenders to fore the said High Court of Judicature at Bombay, either in the exercise be punished of its original jurisdiction, or in the exercise of its jurisdiction as a under Indian court of appeal, reference, or revision, charged with any offence for Penal Code. which provision is made by <sup>1</sup>Act No. XLV of 1860, called the " Indian Penal Code," or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

#### *Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.*

31. And We do further ordain that whenever it shall appear to the Judges may Governor in Council convenient that the jurisdiction and power by be authorised these Our Letters Patent, or by the recited Act, vested in the said to sit in any High Court of Judicature at Bombay should be exercised in any places by place within the jurisdiction of any Court now subject to the superin- cuit or spe- tudence of the said High Court other than the usual place of sitting of sion. the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto, which has been or may be made by competent legislative authority for India.

#### *Admiralty and Vice-Admiralty Jurisdiction.*

32. And We do further ordain that the said High Court of Judica- Civil. ture at Bombay shall have and exercise all such civil and maritime jurisdic- tion as may now be exercised by the said High Court as a Court of Admiralty, or of Vice-Admiralty, and also such jurisdiction for the trial and adjudication of prize causes and other maritime questions arising in India, as may now be exercised by the said High Court.

33. And We do further ordain that the said High Court of Judica- Criminal. ture at Bombay shall have and exercise all such criminal jurisdiction as

<sup>1</sup> See now the revised edition of the Code, as modified up to 1st June, 1910.

may now be exercised by the said High Court as a Court of Admiralty, or Vice-Admiralty, or otherwise in connection with marine matters, or matters of prize.

*Testamentary and Intestate Jurisdiction.*

Testamentary and  
Intestate  
jurisdiction.

34. And We do further ordain that the said High Court of Judicature at Bombay shall have the like power and authority as that which may now be exercised by the said High Court in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits, and all other effects whatsoever, of persons dying intestate, whether within or without the Presidency of Bombay: Provided always that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India by which power is given to any other Court to grant such probates and letters of administration.

*Matrimonial Jurisdiction.*

Matrimonial  
jurisdiction.

35. And We do further ordain that the said High Court of Judicature at Bombay shall have jurisdiction, within the Presidency of Bombay, in matters matrimonial between Our subjects professing the Christian religion: Provided always that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Presidency lawfully possessed thereof.

*Powers of Single Judges and Division Courts.*

Single  
Judges and  
Division  
Courts.

36. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature at Bombay in the exercise of its original or appellate jurisdiction, may be performed by any Judge or any Division Court thereof, appointed or constituted for such purpose, under the provisions of the thirteenth section of the aforesaid <sup>1</sup>Act of the Twenty-fourth and Twenty-fifth years of Our reign; and if such Division Court is composed of two or more Judges, and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

*Civil Procedure.*

Regulation  
of proceed-  
ings.

37. And We do further ordain that it shall be lawful for the said High Court of Judicature at Bombay from time to time to make rules and orders for the purpose of regulating all proceedings in civil cases which may be brought before the said High Court, including proceed-

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<sup>1</sup> The Indian High Courts Act, 1861, Collection of Statutes relating to India, Vol. I.

ings in its admiralty, vice-admiralty, testamentary, intestate, and matrimonial jurisdiction respectively: Provided always that the said High Court shall be guided in making such rules and orders as far as possible by the provisions of the <sup>1</sup>Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859, and the provisions of any law which has been made amending or altering the same by competent legislative authority for India.

*Criminal Procedure.*

38. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court of Judicature at Bombay in the exercise of its ordinary original criminal jurisdiction, and also in all other criminal cases over which the said High Court had jurisdiction immediately before the publication of these presents, shall be regulated by the procedure and practice which was in use in the said High Court immediately before such publication, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV of 1861,<sup>2</sup> or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

*Appeals to Privy Council.*

39. And We do further ordain that any person or persons may appeal to Us, Our heirs and successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction from any final judgment, decree, or order of the said High Court of Judicature at Bombay made on appeal, and from any final judgment, decree or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court under the provision contained in the fifteenth clause of these presents: Provided in either case that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our heirs or successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Presidency; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

<sup>1</sup> See now Act V of 1908.

<sup>2</sup> See now Act V of 1898, as modified up to 1st August, 1909.

**Appeal from interlocutory judgments.**

40. And We further ordain that it shall be lawful for the said High Court of Judicature at Bombay, at its discretion, on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our heirs and successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed respecting appeals from final judgments, decrees, orders, and sentences.

**Appeal of criminal cases, etc.**

41. And We do further ordain that from any judgment, order or sentence of the said High Court of Judicature at Bombay, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved for the opinion of the said High Court in manner hereinbefore provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order or sentence to appeal to Us, Our heirs or successors in Council, provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

**Rule as to transmission of copies of evidence and other documents.**

42. And We do further ordain that in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature at Bombay to Us, Our heirs or successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our heirs and successors, in Our or their Privy Council a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our heirs and successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our heirs or successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our heirs or successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree or decretal orders, or other order or rule of the said High Court, should or might have been executed.

*Calls for Records, etc., by the Government.*

**High Court to comply with requisition from Government for records, etc.**

43. And it is Our further will and pleasure that the said High Court of Judicature at Bombay shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

44. And We do further ordain and declare that all the provisions of Power of these Our Letters Patent are subject to the legislative powers of the Indian Legislature pre-Governor General in Council, exercised at meetings for the purpose of served. making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth Years of Our Reign, chapter sixty-seven,<sup>1</sup> and may be in all respects amended and altered thereby.

45. And it is Our further will and pleasure that these Letters Patent Provisions of former shall be published by the Governor in Council, and shall come into operation from and after the date of such publication, and that from and Patent inconsistent with aforesaid Letters Patent granted by His Majesty King George the Fourth Patent to be as was not revoked or determined by the said Letters Patent of the void. Twenty-sixth of June, One thousand eight hundred and sixty-two, and is inconsistent with these Letters Patent, shall cease, determine, and be utterly void, to all intents and purposes whatsoever.

In Witness whereof We have caused these Our Letters to be made Patent. Witness Ourselves at Westminster the Twenty-eighth Day of December in the Twenty-ninth Year of our Reign.

By Warrant under the Queen's Sign Manual.

[Statutory Rules and Orders Revised, Vol. IV, p. 108.]

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**Letters Patent for the High Court of Judicature for the North-Western Provinces of the Presidency of Fort William, dated the 17th March, 1868.**

VICTORIA, by the Grace of God, of the United Kingdom of Great Recital of Britain and Ireland, Queen, Defender of the Faith, To all to whom these Act 24 & 25 Presents shall come, greeting: Whereas by an Act of Parliament passed Vict., c. 104. in the Twenty-fourth and Twenty-fifth Years of Our Reign, intituled "An Act for establishing High Courts of Judicature in India,"<sup>1</sup> it was, amongst other things, enacted that it should be lawful for Her Majesty, by Letters Patent under the Great Seal of the United Kingdom, to erect and establish a High Court of Judicature at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, and that such High Court should consist of a Chief Justice and as many Judges, not exceeding fifteen, as Her Majesty might, from time to time, think fit to appoint, who should be selected from among persons qualified as in the said Act is declared: Provided always, that the persons who at the time of the establishment of such High Court were Judges of the Supreme Court of Judicature, and permanent Judges of the Court of Sudder Dewanny Adawlut or Sudder Adawlut of the same Presidency, should be and become Judges of such High Court without further appointment for that purpose, and the Chief Justice of such Supreme Court should become the Chief Justice of such High Court, and that upon the establishment of such High Court as aforesaid the Supreme Court and the Court of

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<sup>1</sup> Collection of Statutes relating to India, Vol. I.

Sudder Dewanny Adawlut and Sudder Nizamut Adawlut at Calcutta, in the said Presidency, should be abolished:

And that the High Court of Judicature so to be established should have and exercise all such civil, criminal, admiralty, and vice-admiralty, testamentary, intestate and matrimonial jurisdiction, original and appellate, and all such powers and authority for and in relation to the administration of justice in the said Presidency, as Her Majesty might by such Letters Patent as aforesaid grant and direct, subject, however, to such directions and limitations, as to the exercise of original civil and criminal jurisdiction beyond the limits of the Presidency-town, as might be prescribed thereby; and save as by such Letters Patent might be otherwise directed, and subject and without prejudice to the legislative powers in relation to the matters aforesaid of the Governor General of India in Council, the High Court so to be established should have and exercise all jurisdiction, and every power and authority whatsoever, in any manner vested in any of the Courts in the same Presidency abolished under the said Act at the time of the abolition of such last-mentioned Courts:

And whereas it is further declared by the said recited Act that it shall be lawful for Us by Letters Patent to erect and establish a High Court of Judicature in and for any portion of the territories within Her Majesty's Dominions in India, not included within the limits of the local jurisdiction of another High Court, to consist of a Chief Justice and such number of other Judges, with such qualifications as were by the same Act required in persons to be appointed to the High Courts established at the said Presidencies, as We from time to time might think fit and appoint; and that subject to the directions of the Letters Patent, all the provisions of the said recited Act relative to High Courts and to the Chief Justice and other Judges of such Courts, and to the Governor General or Governor of the Presidency in which such High Courts were established, shall, as far as circumstances may permit, be applicable to any new High Court which may be established in the said territories, and to the Chief Justice and other Judges thereof, and to the persons administering the Government of the said territories:

And whereas We did, upon full consideration of the premises, think fit to erect and establish, and by Our Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the Fourteenth day of May, in the Twenty-fifth Year of Our Reign, in the Year of our Lord One thousand eight hundred and sixty-two, did accordingly, for Us, Our heirs and successors, erect and establish, at Fort William in Bengal, for the Bengal Division of the Presidency of Fort William aforesaid, a High Court of Judicature, which should be called the High Court of Judicature at Fort William in Bengal, and did thereby constitute the said Court to be a Court of Record:

Establish-  
ment of High  
Court for the  
North-West-  
ern Pro-  
vinces.

1. Now know ye that We, upon full consideration of the premises, and of Our especial grace, certain knowledge, and mere motion, have thought fit to erect and establish, and by these presents We do accordingly for Us, Our heirs and successors, erect and establish, for the North-Western Provinces of the Presidency of Fort William aforesaid, a High

Court of Judicature which shall be called the High Court of Judicature for the North-Western Provinces, and We do hereby constitute the said Court to be a Court of Record.

2. And We do hereby appoint and ordain that the said High Court of Constitution Judicature for the North-Western Provinces shall, until further or other provision shall be made by Us, or Our heirs and successors in that behalf, in accordance with the said recited Act, consist of a Chief Justice and five Judges, the first Chief Justice being Walter Morgan, Esquire, and the five Judges being Alexander Ross, Esquire, William Edwards, Esquire, William Roberts, Esquire, Francis Boyle Pearson, Esquire, and Charles Arthur Turner, Esquire, being respectively qualified as in the said Act is declared.

3. And We do hereby ordain that the Chief Justice and every Judge of the said High Court of Judicature for the North-Western Provinces, previously to entering upon the execution of the duties of his office, shall make and subscribe the following declaration before such authority or person as the Governor General in Council may commission to receive it:—

“I, A. B., appointed Chief Justice [*or a Judge*] of the High Court of Judicature for the North-Western Provinces, do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge, and judgment.”

4. And We do hereby grant, ordain, and appoint that the said High Court shall have and use, as occasion may require, a seal bearing a device and impression of Our Royal arms, within an exergue or label surrounding the same, with this inscription, “The Seal of the High Court for the North-Western Provinces.” And We do further grant, ordain, and appoint that the said Seal shall be delivered to and kept in the custody of the Chief Justice, and in case of vacancy of the office of Chief Justice, or during any absence of the Chief Justice, the same shall be delivered over and kept in the custody of the person appointed to act as Chief Justice, under the provisions of section 7 of the said recited Act; and We do further grant, ordain, and appoint that, whosoever it shall happen that the office of Chief Justice or of the Judge to whom the custody of the said Seal be committed shall be vacant, the said High Court shall be and is hereby authorized and empowered to demand, seize, and take the said Seal from any person or persons whomsoever, by what ways and means soever the same may have come to his, her, or their possession.

5. And We do hereby further grant, ordain, and appoint that all Writs, etc., writs, summons, precepts, rules, orders, and other mandatory process to issue in be used, issued, or awarded by the said High Court of Judicature for the North-Western Provinces, shall run and be in the name and style of Us, under seal, or of Our Heirs and Successors, and shall be sealed with the seal of the said High Court.

6. And We do hereby authorize and empower the Chief Justice of the said High Court of Judicature for the North-Western Provinces from time to time, as occasion may require, and subject to any rules and

restrictions which may be prescribed by the Governor General in Council, to appoint so many and such clerks and other ministerial officers as shall be found necessary for the administration of justice and the due execution of all the powers and authorities granted and committed to the said High Court by these Our Letters Patent. And We do hereby ordain that every such appointment shall be forthwith submitted to the approval of the Lieutenant-Governor of the North-Western Provinces, and shall be either confirmed or disallowed by the said Lieutenant-Governor. And it is Our further will and pleasure, and We do hereby, for Us, Our Heirs and Successors, give, grant, direct, and appoint that all and every the officers and clerks to be appointed as aforesaid shall have and receive respectively such reasonable salaries as the Chief Justice shall from time to time appoint for each office and place respectively, and as the Lieutenant-Governor of the North-Western Provinces, subject to the control of the Governor General in Council, shall approve of: Provided always, and it is Our will and pleasure, that all and every the officers and clerks to be appointed as aforesaid shall be resident within the limits of the jurisdiction of the said Court, so long as they shall hold their respective offices; but this proviso shall not interfere with or prejudice the right of any officer or clerk to avail himself of leave of absence under any rules prescribed by the Governor General in Council, and to absent himself from the said limits during the term of such leave, in accordance with the said rules.

*Admission of Advocates, Vakeels and Attorneys.*

Powers of  
High Court  
in admitting  
Advocates,  
Vakeels and  
Attorneys.

7. And We do hereby authorize and empower the said High Court of Judicature for the North-Western Provinces to approve, admit, and enrol such and so many Advocates, Vakeels and Attorneys, as to the said High Court shall seem meet; and such Advocates, Vakeels and Attorneys shall be and are hereby authorized to appear for the suitors of the said High Court, and to plead or to act; or to plead and act, for the said suitors, according as the said High Court may by its rules and directions determine, and subject to such rules and directions.

In making  
rules for the  
qualifica-  
tions, etc., of  
Advocates,  
Vakeels and  
Attorneys.

8. And We do hereby ordain that the said High Court of Judicature for the North-Western Provinces shall have power to make rules for the qualification and admission of proper persons to be Advocates, Vakeels, and Attorneys-at-law of the said High Court, and shall be empowered to remove or to suspend from practice, on reasonable cause, the said Advocates, Vakeels, or Attorneys-at-law; and no person whatsoever but such Advocates, Vakeels, or Attorneys shall be allowed to act or to plead for or on behalf of, any suitor in the said High Court, except that any suitor shall be allowed to appear, plead, or act on his own behalf, or on behalf of a co-suitor.

*Civil Jurisdiction of the High Court.*

Extraordi-  
nary original  
civil jurisdic-  
tion.

9. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have power to remove, and to try and determine, as a Court of extraordinary original jurisdiction, any suit

being or falling within the jurisdiction of any Court, subject to its superintendence, when the said High Court shall think proper to do so, either on the agreement of the parties to that effect, or for purposes of justice, the reasons for so doing being recorded on the proceedings of the said High Court.

10. And We do further ordain that an appeal shall lie to the said High Court of Judicature for the North-Western Provinces from the judgment (not being a sentence or order passed or made in any criminal trial) of one Judge of the said High Court or of one Judge of any Division Court, pursuant to section 13 of the said recited Act, and that an appeal shall also lie to the said High Court from the judgment (not being a sentence or order as aforesaid) of two or more Judges of the said High Court, or of such Division Court, wherever such Judges are equally divided in opinion, and do not amount in number to a majority of the whole of the Judges of the said High Court at the time being; but that the right of the appeal from other judgments of Judges of the said High Court, or of such Division Court in such case shall be to Us, Our Heirs or Successors, in Our or their Privy Council, as hereinafter provided.

11. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall be a Court of Appeal from the Civil Courts of the North-Western Provinces, and from all other Courts to which there is now an appeal to the Sudder Dewanny Adawlut, and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said High Court by virtue of any laws or regulations now in force.

12. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have the like power and authority with respect to the persons and estates of infants, idiots, and lunatics within the North-Western Provinces, as that which is exercised in the Bengal Division of the Presidency of Fort William by the High Court of Judicature at Fort William in Bengal, but subject to the provisions of any laws or regulations now in force.

*Law to be administered by the High Court of Judicature for the North-Western Provinces.*

13. And We do further ordain that, with respect to the law or equity to be applied to each case coming before the said High Court of Judicature for the North-Western Provinces in the exercise of its extraordinary original civil jurisdiction, such law or equity shall, until otherwise provided, be the law or equity which would have been applied to such case by any local Court having jurisdiction therein.

14. And We do further ordain that, with respect to the law or equity and rule of good conscience to be applied by the said High Court of Judicature for the North-Western Provinces, to each case coming before it in the exercise of its appellate jurisdiction, such law or equity and rule of good conscience shall be the law or equity and rule of good conscience which the Court in which the proceedings in such case were originally instituted ought to have applied to such case.

*Criminal Jurisdiction.*

Ordinary  
original  
jurisdiction  
of the High  
Court.

15. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have ordinary original criminal jurisdiction in respect of all such persons within the said Provinces as the High Court of Judicature at Fort William in Bengal shall have criminal jurisdiction over at the date of the publication of these presents; and the criminal jurisdiction of the said last-mentioned High Court over such persons shall cease at such date: Provided nevertheless that criminal proceedings which shall at such date have been commenced in the said last-mentioned High Court shall continue as if these presents had not been issued.

Jurisdiction  
as to persons.

16. And We do further ordain that the said High Court of Judicature for the North-Western Provinces, in the exercise of its ordinary original criminal jurisdiction, shall be empowered to try all persons brought before it in due course of law.

Extraordi-  
nary original  
criminal  
jurisdiction.

17. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have extraordinary original criminal jurisdiction over all persons residing in places within the jurisdiction of any Court now subject to the superintendence of the Sudder Nizamut Adawlut, and shall have authority to try at its discretion any such persons brought before it on charges preferred by any Magistrate or other officer specially empowered by the Government in that behalf.

No appeal  
from High  
Court  
exercising  
original  
jurisdiction.  
Court may  
reserve point  
of law.

18. And We do further ordain that there shall be no appeal to the said High Court from any sentence or order passed or made in any criminal trial before the Courts of original criminal jurisdiction which may be constituted by one or more Judges of the said High Court. But it shall be at the discretion of any such Court to reserve any point or points of law for the opinion of the said High Court.

High Court  
to review  
cases on  
points of law  
reserved by  
one or more  
Judges of the  
said High  
Court.

19. And We do further ordain that, on such point or points of law being so reserved as aforesaid, the said High Court shall have full power and authority to review the case, or such part of it as may be necessary, and finally determine such point or points of law, and thereupon to alter the sentence passed by the Court of original jurisdiction, and to pass such judgment and sentence as to the said High Court shall seem right.

Appeals from  
Criminal  
Courts in the  
Provinces.

20. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall be a Court of appeal from the criminal Courts of the said Provinces, and from all other Courts from which there is now an appeal to the Court of Sudder Nizamut Adawlut for the said Provinces and shall exercise appellate jurisdiction in such cases as are subject to appeal to the said Court of Sudder Adawlut by virtue of any law now in force.

Hearing of  
referred  
cases, and  
revision of  
criminal  
trials.

21. And We do further ordain that the said High Court shall be a Court of reference and revision from the criminal Courts subject to its appellate jurisdiction, and shall have power to hear and determine all such cases referred to it by the Session Judges, or by any other officers now authorized to refer cases to the Court of Sudder Nizamut Adawlut

of the North-Western Provinces, and to revise all such cases tried by any officer or Court possessing criminal jurisdiction, as are now subject to reference to or revision by the said Court of Sudder Nizamut Adawlut.

22. And We do further ordain that the said High Court shall have High Court power to direct the transfer of any criminal case or appeal from any Court <sup>may direct</sup> the transfer to any other Court of equal or superior jurisdiction, and also to direct the <sup>of a case from</sup> preliminary investigation or trial of any criminal case by any officer or one Court to <sup>another.</sup> Court otherwise competent to investigate or try it, though such case belongs in ordinary course to the jurisdiction of some other officer or Court.

#### *Criminal Law.*

23. And We do further ordain that all persons brought for trial before Offenders to the said High Court of Judicature for the North-Western Provinces either <sup>be punished under Indian Penal Code.</sup> in the exercise of its original jurisdiction or in the exercise of its jurisdiction as a Court of appeal, reference, or revision, charged with any offence for which provision is made by Act No. XLV of 1860, called the " Indian Penal Code,<sup>1</sup>" or by any Act amending or excluding the said Act which may have been passed prior to the publication of these presents, shall be liable to punishment under the said Act or Acts, and not otherwise.

#### *Exercise of Jurisdiction elsewhere than at the ordinary place of sitting of the High Court.*

24. And We do further ordain that whenever it shall appear to the Lieutenant-Governor of the North-Western Provinces, subject to the control of the Governor General in Council, convenient that the jurisdiction and power by these Our Letters Patent, or by the recited Act, vested in the said High Court, should be exercised in any place within the jurisdiction of any Court now subject to the superintendence of the Sudder Dewanny Adawlut or the Sudder Nizamut Adawlut of the North-Western Provinces, other than the usual place of sitting of the said High Court, or at several such places by way of circuit, the proceedings in cases before the said High Court at such place or places shall be regulated by any law relating thereto which has been or may be made by competent legislative authority for India.

#### *Testamentary and Intestate Jurisdiction.*

25. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have the like power and authority as that which is now lawfully exercised within the said Provinces by the said High Court of Judicature at Fort William in Bengal, in relation to the granting of probates of last wills and testaments, and letters of administration of the goods, chattels, credits and all other effects whatsoever of persons dying intestate; and that the jurisdiction of the said last-mentioned High Court in relation thereto shall cease from the date of the publication of these presents: Provided always, that any proceedings already commenced in relation to any of the matters aforesaid

<sup>1</sup> See now the revised edition of the Code, as modified up to 1st June, 1910.

in the said last-mentioned High Court shall continue as if these presents had not been issued: Provided also, that nothing in these Letters Patent contained shall interfere with the provisions of any law which has been made by competent legislative authority for India, by which power is given to any other Court to grant such probates and letters of administration.

#### *Matrimonial Jurisdiction.*

**Matrimonial jurisdiction.** 26. And We do further ordain that the said High Court of Judicature for the North-Western Provinces shall have jurisdiction, within the said Provinces, in matters matrimonial between Our subjects professing the Christian religion: Provided always, that nothing herein contained shall be held to interfere with the exercise of any jurisdiction in matters matrimonial by any Court not established by Royal Charter within the said Provinces lawfully possessed thereof.

#### *Powers of single Judges and Division Courts.*

**Single Judges and Division Courts.** 27. And We do hereby declare that any function which is hereby directed to be performed by the said High Court of Judicature for the North-Western Provinces, in the exercise of its original or appellate jurisdiction, may be performed by any Judge or by any Division Court thereof, appointed or constituted for such purpose, under the provisions of the Thirteenth Section of the aforesaid Act of the Twenty-fourth and Twenty-fifth Years of Our reign<sup>1</sup>; and if such Division Court is composed of two or more Judges and the Judges are divided in opinion as to the decision to be given on any point, such point shall be decided according to the opinion of the majority of the Judges, if there shall be a majority, but if the Judges should be equally divided, then the opinion of the senior Judge shall prevail.

#### *Civil Procedure.*

**Regulation of proceedings.** 28. And We do further ordain that it shall be lawful for the said High Court of Judicature for the North-Western Provinces from time to time to make rules and orders for the purpose of adapting, as far as possible, the provisions of the Code of Civil Procedure, being an Act passed by the Governor General in Council, and being Act No. VIII of 1859,<sup>2</sup> and the provisions of any law which has been or may be made, amending or altering the same, by competent legislative authority for India, to all proceedings in its testamentary, intestate, and matrimonial jurisdiction respectively.

#### *Criminal Procedure.*

**Regulation of proceedings.** 29. And We do further ordain that the proceedings in all criminal cases which shall be brought before the said High Court, in the exercise of its ordinary original criminal jurisdiction, shall be regulated by the

<sup>1</sup> The Indian High Courts Act, 1861, Collection of Statutes relating to India, Vol. I.

<sup>2</sup> See now Act V of 1908.

procedure and practice which was in use in the High Court of Judicature for Fort William in Bengal immediately before the publication of these presents, subject to any law which has been or may be made in relation thereto by competent legislative authority for India; and that the proceedings in all other criminal cases shall be regulated by the <sup>1</sup>Code of Criminal Procedure prescribed by an Act passed by the Governor General in Council, and being Act No. XXV of 1861, or by such further or other laws in relation to criminal procedure as may have been or may be made by such authority as aforesaid.

*Appeals to Privy Council.*

30. And we do further ordain that any person or persons may appeal <sup>Power to</sup> ~~appeal.~~ to Us, Our Heirs and Successors, in Our or their Privy Council, in any matter not being of criminal jurisdiction, from any final judgment, decree, or order of the said High Court of Judicature for the North-Western Provinces made on appeal, and from any final judgment, decree, or order made in the exercise of original jurisdiction by Judges of the said High Court, or of any Division Court, from which an appeal shall not lie to the said High Court, under the provision contained in the 10th clause of these presents: Provided, in either case, that the sum or matter at issue is of the amount or value of not less than 10,000 rupees, or that such judgment, decree, or order shall involve, directly or indirectly, some claim, demand, or question to or respecting property amounting to or of the value of not less than 10,000 rupees; or from any other final judgment, decree, or order made either on appeal or otherwise as aforesaid, when the said High Court shall declare that the case is a fit one for appeal to Us, Our Heirs, or Successors, in Our or their Privy Council. Subject always to such rules and orders as are now in force, or may from time to time be made, respecting appeals to Ourselves in Council from the Courts of the said Provinces; except so far as the said existing rules and orders respectively are hereby varied, and subject also to such further rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

31. And We do further ordain that it shall be lawful for the said High Court of Judicature for the North-Western Provinces, at its discretion, <sup>interlocutory judgments,</sup> on the motion, or if the said High Court be not sitting, then for any Judge of the said High Court, upon the petition, of any party who considers himself aggrieved by any preliminary or interlocutory judgment, decree, order, or sentence of the said High Court, in any such proceeding as aforesaid, not being of criminal jurisdiction, to grant permission to such party to appeal against the same to Us, Our Heirs and Successors, in Our or their Privy Council, subject to the same rules, regulations, and limitations as are herein expressed, respecting appeals from final judgments, decrees, orders, and sentences.

32. And We do further ordain that from any judgment, order or Appeal in sentence of the said High Court of Judicature for the North-Western <sup>criminal cases, etc.</sup> Provinces, made in the exercise of original criminal jurisdiction, or in any criminal case where any point or points of law have been reserved

<sup>1</sup> See now Act V of 1898, as modified up to 1st August, 1909.

for the opinion of the said High Court in manner hereinbefore provided, by any Court which has exercised original jurisdiction, it shall be lawful for the person aggrieved by such judgment, order, or sentence to appeal to Us, Our Heirs or Successors, in Council; provided the said High Court shall declare that the case is a fit one for such appeal, and under such conditions as the said High Court may establish or require, subject always to such rules and orders as We may, with the advice of Our Privy Council, hereafter make in that behalf.

**Rule as to transmission of copies of evidence and other documents.**

33. And We do further ordain that, in all cases of appeal made from any judgment, order, sentence, or decree of the said High Court of Judicature for the North-Western Provinces to Us, Our Heirs or Successors, in Our or their Privy Council, such High Court shall certify and transmit to Us, Our Heirs and Successors, in Our or their Privy Council, a true and correct copy of all evidence, proceedings, judgments, decrees, and orders had or made, in such cases appealed, so far as the same have relation to the matters of appeal, such copies to be certified under the seal of the said High Court. And that the said High Court shall also certify and transmit to Us, Our Heirs and Successors, in Our or their Privy Council, a copy of the reasons given by the Judges of such Court, or by any of such Judges, for or against the judgment or determination appealed against. And We do further ordain that the said High Court shall, in all cases of appeal to Us, Our Heirs or Successors, conform to and execute, or cause to be executed, such judgments and orders as We, Our Heirs or Successors, in Our or their Privy Council, shall think fit to make in the premises, in such manner as any original judgment, decree, or decretal orders, or other order or rule of the said High Court, should or might have been executed.

*Calls for Records, etc., by the Government.*

**High Court to comply with requisition from Government for records, etc.**

34. And it is Our further will and pleasure that the said High Court of Judicature for the North-Western Provinces shall comply with such requisitions as may be made by the Government for records, returns, and statements, in such form and manner as such Government may deem proper.

**Powers of Indian Legislature preserved.**

35. And We do further ordain and declare that all the provisions of these Our Letters Patent are subject to the legislative powers of the Governor General in Council, exercised at meetings for the purpose of making laws and regulations, and also of the Governor General in cases of emergency under the provisions of an Act of the Twenty-fourth and Twenty-fifth years of Our Reign, chapter Sixty-seven,<sup>1</sup> and may be in all respects amended and altered thereby. In witness whereof We have caused these Our Letters to be made Patent. Witness Ourself at Westminster the Seventeenth day of March in the Twenty-ninth year of Our Reign.

By Warrant under the Queen's Sign Manual.

C. ROMILLY.

[Statutory Rules and Orders Revised, Vol. V, p. 1217.]

<sup>1</sup> The Indian Councils Act, 1861, Collection of Statutes relating to India, Vol. I.

## INDIAN HIGH COURTS ACT, 1865 (28 &amp; 29 VICT., c. 15).

**Jurisdiction by High Courts in British India over European British subjects in Native States in India.**

No. 853-I.-B., dated the 16th April, 1913.—In exercise of the powers conferred by the <sup>1</sup>Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), and in supersession of the notification of the Government of India in the Foreign Department, No. 178-J., dated the 23rd September, 1874, as subsequently amended, except in so far as it relates to Berar and to the parganas of Todgarh, Diwair, Saroth, Chang and Kot Karana in Merwara, the Governor General in Council is pleased to direct that original and appellate criminal jurisdiction over European British subjects of His Majesty, being Christians, resident within the territories, save the portions aforesaid, of the States of India named below shall, until the Governor General in Council otherwise orders, be exercised by the High Courts of Judicature established at Fort William, Madras, Bombay and Allahabad, respectively, as follows:—

## By the High Court at Fort William in—

Nepal.

Sikkim.

The States in the political control of the Government of Fort William in Bengal.  
The States in the political control of the Government of Bihar and Orissa, excluding the portions of the Kalahandi and Patna States occupied by the Raipur-Vizianagram section of the Bengal-Nagpur Railway.

The States in the political control of the Chief Commissioner of Assam.

## By the High Court at Madras in—

Mysore.

Pudukkottai.

Banganapalle.

Sandur.

The portions of the Kalahandi State occupied by the Raipur-Vizianagram section of the Bengal-Nagpur Railway.

## By the High Court at Bombay in—

Baroda.

Hyderabad.

The States in Central India other than those in the Baghelkhand and Bundelkhand Agencies.

The States in Rajputana excluding the portions of the Bharatpur State occupied by the Agra-Delhi Chord Railway and by the Cawnpur-Achnera section of the Rajputana-Malwa Railway.

The States in the political control of the Government of Bombay.  
The Makrai State.

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

By the High Court at Allahabad in—

The States in Central India in the Baghelkhand and Bundelkhand Agencies.

**Baghelkhand.**

**Bundelkhand.**

Baraundha.	Ajaigarh.	Garrauli.
Bhaisaunda.	Alipura.	Gaurihar.
Jaso.	Banka Pahari.	Jigni.
Kamta Rajaula.	Baoni.	Lughasi.
Kothi.	Beri.	Naigawan Rebai.
Maihar.	Bihat.	Orchha.
Nagod.	Bijawar.	Panna.
Pahra.	Bijna.	Samthar.
Paldeo.	Charkhari.	Sarila.
Rewa.	Chhatarpur.	Tori Fatehpur.
Sohawal.	Datia.	The Alampur Pargana of
Taraon.	Dhurwai.	Indore.

The portions of the Bharatpur State occupied by the Agra-Delhi Chord Railway and by the Cawnpur-Achnera section of the Rajputana-Malwa Railway.  
The portions of the Patna State occupied by the Raipur-Vizianagram section of the Bengal-Nagpur Railway.

The States in the political control of the Government of the United Provinces of Agra and Oudh.  
The States in the political control of the Chief Commissioner of the Central Provinces other than the Makrai State.

Provided that all proceedings pending at the date of this notification shall be carried on as if this notification had not been issued.

[See Gazette of India, 1913, Pt. I, p. 406.]

No. 854-I.-B., dated the 16th April, 1913.—In exercise of the powers conferred by the Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), and in supersession of so much of the notification of the Government of India in the Foreign Department, No. 178-J., dated the 23rd September, 1874, as has not been cancelled, the Governor General in Council is pleased to direct that, until further orders, original and appellate criminal jurisdiction shall be exercised by the High Court of Judicature at Bombay over European British subjects of His Majesty, being Christians, resident in Berar, and by the High Court of Judicature at Allahabad over European British subjects of His Majesty, being Christians, resident in the parganas of Todgarh, Diwair, Saroth, Chang and Kot Karana in Merwara.

[See Gazette of India, 1913, Pt. I, p. 407.]

**Jurisdiction by High Courts over European British subjects in districts of British India not included within the local limits of the jurisdiction of these Courts.**

No. 457, dated the 21st April, 1913.—In exercise of the powers conferred by section 3 of the <sup>1</sup>Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), and in supersession of the notification of the Government of India in the Home Department, No. 1203-J., dated the 23rd September,

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

1874, the Governor General in Council is pleased to make the following orders :—

I.—Original and appellate criminal jurisdiction over European British subjects of His Majesty shall be exercised by the several High Courts established at Madras and Bombay, and in the North-Western Provinces, as provided below—

(1) By the High Court at Madras in—

Coorg.

(2) By the High Court at Bombay in—

The Nagpur and Nerbudda Divisions of the Central Provinces.

The Pargana of Manpur in Central India.

(3) By the High Court of the North-Western Provinces in—  
Oudh.

The Chhattisgarh and Jubbulpore Divisions of the Central Provinces.

The line of railway from Allahabad to Jubbulpore, and the lands and buildings appurtenant thereto other than the station at Satna.

Ajmer-Merwara.

Provided that all proceedings pending at the date of this notification shall be carried on as if this notification had not been issued.

II.—The line of Railway from Allahabad to Jubbulpore, and the lands and buildings appurtenant thereto, shall be deemed to be part of the District of Allahabad for the purpose of the trial by the Court of Session at Allahabad of offences cognizable by a Court of Session, and alleged to have been committed on the said line of Railway, lands, and buildings.

[See Gazette of India, 1913, Pt. I, p. 424.]

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**Inclusion of Sambalpur District within jurisdiction of the High Court at Fort William in Bengal.**

No. 1363-J., dated the 1st September, 1905.—In exercise of the power conferred by the Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), section 3, the Governor General in Council is pleased to authorize and empower the High Court of Judicature at Fort William in Bengal to exercise, with effect from the sixteenth day of October, one thousand

nine hundred and five, within that portion of His Majesty's dominions in India which is comprised within the limits of the Sambalpur District (except the Chandarpur-Padampur Zamindari and the Phuljhar Zamindari), and is not included within the limits of the places for which the said High Court was established, all such jurisdiction and powers as the said High Court may from time to time exercise within the limits of the places for which the said High Court was established.

[See Gazette of India, 1905, Pt. I, p. 637.]

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**Certain taluqas included within jurisdiction of Madras High Court.**

No. 929, dated the 1st July, 1909.—In exercise of the powers conferred by the Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), section 3, the Governor General in Council is pleased to authorize and empower the High Court of Judicature at Madras to exercise, within that portion of His Majesty's dominions in India which is comprised within the limits of the Nugur, Albaka and Cherla taluqas and the Bhadrachalam taluqa, and is not included within the limits of the places for which the said High Court was established, all such jurisdiction and powers as the said High Court may from time to time exercise in the scheduled districts of the Godavari district of the Presidency of Madras.

[See Gazette of India, 1909, Pt. I, p. 524.]

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**High Court at Madras invested with jurisdiction within the Laccadive Islands and Minicoy.**

No. 228, dated the 1st February, 1912.—In exercise of the power conferred by the Indian High Courts Act, 1865 (28 & 29 Vict., c. 15), section 3, the Governor General in Council is pleased to authorize and empower the High Court of Judicature at Madras to exercise, within the Laccadive Islands and Minicoy, which are not included within the limits of the places for which the said High Court was established all such jurisdiction and powers as the said High Court may, from time to time, exercise in the scheduled districts of the Presidency of Madras.

[See Gazette of India, 1912, Pt. I, p. 89.]

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**THE GOVERNMENT OF INDIA ACT, 1865 (28 & 29 Vict., c. 17).**

**Alteration in designation of the North-Western Provinces and Oudh.**

No. 996-P., dated the 22nd March, 1902.—Whereas the territories under the dominion of His Majesty the King, Emperor of India, now

designated and known as the North-Western Provinces and Oudh, are respectively administered by a Lieutenant-Governor and a Chief Commissioner;

And whereas the said territories, though separate in name and style, are united in fact for administrative purposes, the offices of Lieutenant-Governor and Chief Commissioner being filled by the same person; and it is expedient that the said territories should henceforth be regarded as, and form, one province under the administration of a Lieutenant-Governor;

And whereas it was contemplated by section 38 of the 'Government of India Act, 1833 (3 & 4 Will. 4, c. 85), the provisions of which section were and now remain suspended by virtue of the provisions of the 'India (North-Western Provinces) Act, 1835 (5 & 6 Will. 4, c. 52), and of section 15 of the 'Government of India Act, 1853 (16 & 17 Vict., c. 95), that the North-Western Provinces, then under the Presidency of Fort William in Bengal, should be known as the Presidency of Agra:

Know all men, and it is hereby proclaimed, that, in exercise of the powers conferred by section 4 of the 'Government of India Act, 1865 (28 & 29 Vict., c. 17), and with the sanction of His Majesty the King, Emperor of India, signified by His Majesty's Secretary of State in Council of India, His Excellency the Viceroy and Governor General of India in Council is pleased to direct that the territories now under the administration of the Chief Commissioner of Oudh shall henceforth form part of, and be subject to, the Lieutenant-Governorship of the North-Western Provinces, and that the Lieutenant-Governorship so constituted as aforesaid shall be designated the Lieutenant-Governorship of the United Provinces of Agra and Oudh.

[See Gazette of India, 1902, Pt. I, p. 228.]

#### **Aden and its dependencies included in Bombay Presidency.**

No. 2080-E., dated the 7th September, 1886.—In exercise of the Nos. 762-E.  
powers vested in him by the Statue 28 & 29 Vict., c. 17,<sup>1</sup> section and 430-E.,  
4, and in supersession of the proclamations cited marginally, the Gover-  
nor General in Council is pleased to declare that the settlement of Aden  
and its dependencies, including the villages of Shaikh Othman, Imad and Hiswah, the Island of Perim, and Little Aden, are and shall be subject to the Government of Bombay.

[See Gazette of India, 1886, Pt. I, p. 521.]

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

**Transfer of the Sambalpur District of the Central Provinces to Bengal.**

No. 2833-P., dated the 1st September, 1905.—In exercise of the powers vested in him by section 4 of the Government of India Act, 1865 (28 & 29 Vict., c. 17), the Governor General in Council is pleased to declare and appoint that, with effect from the sixteenth day of October, one thousand nine hundred and five, the District of Sambalpur (except the Chandarpur-Padampur Zamindari and the Phuljhar Zamindari), which now forms part of the Central Provinces, shall cease to form part of those Provinces, and shall be subject to, and included within, the limits of the Bengal Division of the Presidency of Fort William.

[See Gazette of India, 1905, Pt. I, p. 636.]

**Placing of Laccadive Islands and Minicoy under Madras.**

No. 292-I. A., dated the 5th February, 1909.—In exercise of the powers vested in him by section 4 of the Government of India Act, 1865, the Governor General in Council is pleased to declare that the lands and territories comprising the Laccadive Islands and Minicoy Islands described in the Schedule hereunder written, which have been ceded to the British Government in full sovereignty by Adi Raja Imbichi Bibi of Cannanore, shall be subject to the Presidency of Fort St. George.

*Schedule.*

Name of Island.	Approximate area in square miles.	Dependent islets.
Androth . . . . .	1½ . . . . .	Nil
Kalpeni . . . . .	1 . . . . .	(1) Cheriyan, (2) Tilakkam, and (3) Pitti.
Kavarathi . . . . .	1½ . . . . .	(1) Pitti, (2) Suhelipar consisting of Valiyakara and Cheriakara.
Agathi . . . . .	1½ . . . . .	(1) Kalpitti, (2) Bangaram, (3) Tinakara, and (4) Parali.
Minicoy . . . . .	2 . . . . .	Virinjili.

[See Gazette of India, 1909, Pt. I, p. 111.]

**Transfer of certain Talukas from the Central Provinces to the Madras Presidency.**

*No. 545, dated the 15th April, 1909.*—In exercise of the powers conferred by the Government of India Act, 1865 (28 & 29 Vict., c. 17), section 4, the Governor General in Council is pleased to declare that the Nugur, Albaka and Cherla talukas which now form part of the Central Provinces shall, on and with effect from the 1st July, 1909, cease to be subject to the Chief Commissionership of the Central Provinces and be subject to the Government of Madras.

[See Gazette of India, 1909, Pt. I, p. 277.]

*No. 1128, dated the 26th August, 1910.*—In exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Vict., c. 3), and in supersession of the rules published in the Home Department Notification No. 2159 (Public), dated the 2nd November, 1892, the Governor General in Council has been pleased to make the following rules, which have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Local Government may appoint any member of the Provincial Civil Service subordinate to it, who is a native of India, and of proved merit and ability, to any of the offices, places, and employments ordinarily held by members of the Civil Service of His Majesty in India, to fill which it has been declared by such Local Government (by notification in the official Gazette) that members of such Provincial Civil Service can properly be appointed.

2. The Local Government may at any time appoint any native of India of proved merit and ability to any of the offices, places, and employments specified by such Local Government in any such notification as in Rule 1 is mentioned; provided that not more than one-fourth of the offices, places, and employments so specified shall at any one time be held by natives of India not members of the Provincial Civil Service subordinate to the Local Government; but this proviso shall not apply to or include any native of India (not a member of a Provincial Service) who has, prior to the making of these rules, been appointed under section 6 of the Government of India Act, 1870 (33 Vict., c. 3), to an office, place, or employment in the Civil Service of India.

3. In addition to appointments made under Rules 1 and 2, the Local Government may, whenever the exigencies of the public service render it necessary, appoint to any of the offices, places, or employments ordinarily held by members of the Civil Service of His Majesty in India, for a period not exceeding three months, any native of India of proved merit and ability; provided that the appointment of any such officer shall not involve his transfer from another district.

4. The Local Government may declare any appointment to be made on probation only and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.

5. The Local Government may at any time suspend and remove any person appointed by such Local Government under these rules.

[See Gazette of India, 1910, Pt. I, p. 825.]

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#### Appointment of Subordinate Judges, Madras.

No. 67-P., dated the 24th January, 1895.—In exercise of the power conferred by the Statute 33 Vict., c. 3,<sup>1</sup> section 6, and in continuation of the rules published in Notification No. 2159, dated the 2nd November, 1892, the Governor General in Council has been pleased to make the following rule, which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

The Government of Madras may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[See Gazette of India, 1895, Pt. I, p. 33.]

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#### Appointment of Subordinate Judges, Bengal.

No. 1859-P., dated the 8th November, 1895.—In exercise of the power conferred by the Statute 33 Vict., c. 3, section 6, and in continuation of the rules published in Notification No. 2159, dated the 2nd November, 1892, and No. 67, dated the 24th January, 1895, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

The Government of Bengal may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[See Gazette of India, 1895, Pt. I, p. 903.]

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#### Appointment of Subordinate Judges, North-Western Provinces (Province of Agra).

No. 2159,  
dated 2nd  
November,  
1892,  
No. 67, dated  
24th Janu-  
ary, 1895.

No. 661-P., dated the 26th March, 1896.—In exercise of the power conferred by the Statute 33 Vict., c. 3,<sup>1</sup> section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

has been sanctioned by the Secretary of State in Council with the No. 1859,  
concurrence of a majority of the members present:— dated 8th  
November, 1895.

The Government of the North-Western Provinces may appoint any Subordinate Judge, being a Member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[See Gazette of India, 1896, Pt. I, p. 205.]

#### **Appointment of Subordinate Judges, Bombay.**

No. 1713-P., dated the 30th October, 1896.—In exercise of the power conferred by the Statute 33 Vict., c. 3, section 6, and in continuation of the rules published in the Notifications marginally noted, the Governor General in Council has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

The Government of Bombay may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[See Gazette of India, 1896, Pt. I, p. 866.]

#### **Allowances of Natives of India appointed to the Civil Service.**

No. 1187, dated the 8th June 1880—Rules regarding the rank and allowances of Natives of India appointed to offices in Her Majesty's Civil Service of India, in accordance with the Rules framed under Act 33 Vict., c. 3.

1. (a) A Native Civil Servant is a member of the Covenanted Civil Service in the Presidency to which he belongs, and, ordinarily, ranks, in that Service, according to the date of his appointment to an office in the Covenanted Civil Service, his name being entered in the Civil List accordingly.

(b) But if an Officer is appointed to an office in the Covenanted Civil Service upon the ground of his proved merit and ability, or professional attainments, the Governor General in Council may, upon the recommendation of the Local Government, assign to him superior rank in the Service.

2. The pay of an office when held by a Native Civil Servant shall be, as nearly as convenient, two-thirds of what it would be if the office

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

were held by a Covenanted Civil Servant appointed in England, less the subscription paid by such a Servant on account of his Annuity.

[NOTE.—Thus the proportion of the pay of a Native Civil Servant to the gross pay of a Covenanted Civil Servant appointed after competitive examination in England will be, as nearly as convenient, 64 per cent.]

3. The Subsistence Allowance of a Native Civil Servant when out of employ is as follows:—

	Rs.
To an Officer who has rendered not more than eight years' Active Service as defined in Section 1 (a) of Part II of Supplement A of the Civil Pension Code . . . . .	250
To an Officer who has rendered more than eight, but less than twelve, years' such Active Service . . . . .	320
To an Officer who has rendered not less than twelve years' such Active Service . . . . .	400

4. The rules for the Pension and Leave of a Native Civil Servant are contained in the following additions to the Civil Pension and Leave Codes:—

#### CIVIL PENSION CODE.<sup>1</sup>

##### SECTION 2 (J).

*Page 2.*

*Add—*

and includes a Native Civil Servant.

(JJ) A Native Civil Servant is a Native of India appointed to an office in the Covenanted Civil Service in accordance with the Rules framed under Section 6, Act 33 Vict., c. 3.

#### SUPPLEMENT A.

*Page 115.*

*After "COVENANTED CIVIL SERVANTS" insert—*

#### PART I.

Civil Servants appointed by the Honourable East India Company or after competitive examination in England by Her Majesty's Secretary of State for India.

*Page 120.*

*Insert the following after Section 9:—*

#### PART II.

#### NATIVE CIVIL SERVANTS.

*Section 1.—In this Part—*

(a) "Active Service" means Active Service in the Covenanted Civil Service, and includes—

(1) Time spent on duty:

<sup>1</sup> See now the Civil Service Regulations.

- (2) Any period, not exceeding two years spent on probation in India :
- (3) Privilege Leave of Absence :
- (4) Subsidiary Leave of Absence :
- (5) Time passed in India out of employ on Subsistence Allowance.

*Section 2.*—Except with the special sanction of the Governor General in Council, a Native Civil Servant, who has reached the age of fifty-five years, shall not be appointed, either substantively or officiating, to a new office, or be permitted to retain any office, which he has held, either substantively or officiating, for five years.

*Section 3.*—The pension of a Native Civil Servant shall in no case exceed the following limits, namely—

	Rs.
After an Active Service of not less than 25 years . . . . .	5,000
After an Active Service of not less than 30 years . . . . .	6,000

All the rules in this Part are subject to these maxima.

*Section 4 (a).*—On his resignation of the service being accepted after not less than 25 years' Active Service, a Native Civil Servant is entitled to a Retiring Pension of half his Average Salary during the three last years of his Active Service.

(b) A Native Civil Servant who, upon a medical certificate in the form prescribed in Section 63 of the Code, is permitted to resign the service before he has completed 25 years' Active Service, is entitled to Invalid Pension as follows:—

- (1) After an Active Service of less than ten years—Gratuity of one month's pay for each year of Active Service;
- (2) After an Active Service of not less than ten years—Pension of Rs. 1,500 a year, *plus* Rs. 150 for each complete year of Active Service in excess of ten.

*Section 5 (a).*—A Native Civil Servant removed from the Service, under Section 2, after an Active Service of less than 25 years, is entitled to a Superannuation Pension.

(b) On reaching the age of 55 years, a Native Civil Servant may retire upon a Superannuation Pension.

(c) The amount of a Superannuation Pension is the same as that of an Invalid Pension.

*Section 6 (a).*—A Native Civil Servant who filled a pensionable office before his admission to the Covenanted Civil Service may, at his option, count his whole pensionable service and receive a consolidated pension, made up as follows:—

- (1) That proportion of the pension to which he would have been entitled under Sections 4 and 5, if his whole service had been passed in the Covenanted Civil Service, which his Active Service bears to the whole of his qualifying service.

(2) That proportion of the pension to which he would have been entitled if his whole service had been in the Uncovenanted service, which his previous service bears to the whole of his qualifying service.

(b) If such Native Civil Servant is entitled to gratuity only, his gratuity shall be calculated as if his whole service had been passed in the Covenanted Civil Service.

*Section 7.*—The procedure upon an application for pension and upon the payment of pension is that described in rule I under section 6 of Part I of this Supplement and Chapters XVI and XVII of the Code respectively.

### CIVIL LEAVE CODE.<sup>1</sup>

#### SECTION 2.

*Page 135.*

*Add to Clause (a):—*

In Supplement C, but not elsewhere, it includes a Native Civil Servant.

*Add the following clause to this section:—*

(aa) A “Native Civil Servant” means a Native of India appointed to an office in the Covenanted Civil Service, in accordance with the rules framed under section 6, <sup>2</sup>Act 33 Vict., c. 3.

#### SECTION 3.

*Page 141.*

*Insert—*

Native Civil Servants.—SUPPLEMENT BB.

*Page 233.*

*Add—*

SUPPLEMENT BB.

Native Civil Servants.

*Section 1.*—In this Supplement—

“Average Salary” means Average Salary for a month, calculated for so much of the three years immediately preceding the day on which a Native Civil Servant gives up office as he has passed on duty, or on privilege or examination leave. Average Salary in excess of Rs. 1,400 a month is not reckoned.

“Service” means all qualifying service whether rendered in the Covenanted Civil Service or otherwise, and includes periods spent on leave with allowances.

<sup>1</sup> See now the Civil Service Regulations.

<sup>2</sup> Collection of Statutes relating to India, Vol. I.

*Section 2.*—During leave on Medical Certificate in excess of 15 months at one time or of 30 months in all, and during Subsidiary Leave following such excess leave, a Native Civil Servant is entitled to a quarter of his average salary. During any other leave excepting Privilege Leave, Examination Leave, or Extraordinary Leave an officer is entitled to half his average salary:

Provided that the leave allowances of an officer shall in no case exceed his actual salary when he was last before on duty.

*Section 3.*—Leave on Medical Certificate may be granted for three years in all, but not for more than two years at one time.

*Section 4.*—An officer may take either leave on Private Affairs or Furlough, as follows, but not both these kinds of leave:—

(b) Leave on Private Affairs may be taken, first, after not less than six years' service, and, thereafter, at intervals of not less than six years. The duration of leave on Private Affairs must not exceed six months at one time.

(c) Furlough, not exceeding two years in all, may be taken, first, after not less than ten years' service, and thereafter, at intervals of not less than eight years. The duration of Furlough must not exceed one year at one time, unless it be taken, for the first time, after not less than eighteen years' service when it may extend to two years.

*Section 5.*—Subsidiary Leave, Privilege Leave, and Examination Leave may be granted to a Native Civil Servant under Chapters VI, VII and VIII of the Code.

*Section 6.*—The Local Government may grant Extraordinary Leave without allowances at its discretion. Subject to the provisions of section 10, there is no limit to the length or frequency of Leave under this section; and it may be granted in continuation of any Leave with allowances excepting Privilege Leave.

*Section 7.*—Leave taken by a Native Civil Servant before his appointment to an office in the Covenanted Civil Service shall, for the purpose of calculating the Leave admissible to him under this Supplement, be treated as Leave taken under this Supplement.

*Section 8.*—Leave on Private Affairs or Furlough may not be granted in continuation of any Leave except Subsidiary Leave; but any Leave granted under these rules may be retrospectively changed for any other kind or amount of Leave, which might at first have been granted. If a Native Civil Servant absent on Privilege Leave, Leave on Private Affairs, or Furlough, takes extension of Leave on Medical Certificate, the whole of his absence must be treated as Leave on Medical Certificate.

1. Extraordinary Leave cannot be changed retrospectively into Leave on Medical Certificate, but Leave on Medical Certificate may be given in continuation of Extraordinary Leave.

*Section 9.*—A Native Civil Servant who has reached the age of fifty-five years is not eligible for any Leave, excepting Privilege

**Leave.** Leave, other than Privilege Leave, granted to a Native Civil Servant before his fifty-fifth birthday cannot extend beyond that date.

*Section 10.*—If a Native Civil Servant is absent without leave, or remains absent after the end of Leave (excepting Privilege Leave, in which case a week's grace is allowed), he vacates his appointment; and, after five years' continuous absence from duty, whether with or without leave, a Native Civil Servant ceases to belong to the Public Service.

1. A Native Civil Servant who takes Leave, other than Privilege Leave or Examination Leave, has no claim to return to the particular appointment from which he took Leave.

*Section 12.*—The procedure upon Application for Leave is that prescribed in Chapter XIV of the Code.

## SUPPLEMENT B.

### RULE XXIV.

*Page 232.*

After "Servant" add "or a Native Civil Servant."

After "Servants" add "or Native Civil Servants, as the case may be."

## ACTING ALLOWANCE CODE.<sup>1</sup>

### SECTION 2.

*Page 266.*

*Add—*

Including a Native of India appointed to an office in the Covenanted Civil Service in accordance with the Rules framed under section 6,  
<sup>2</sup> Act 33 Vict., c. 3.

### CHAPTER II.

*Page 269.*

*Add—*

*Section 9A.*—The pay of an office held by a Native Civil Servant is, unless otherwise specially ordered, 64 per cent. of what would be the gross pay of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England.

[See Gazette of India, 1880, Pt. I, p. 315.]

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<sup>1</sup> See now the Civil Service Regulations.

<sup>2</sup> Collection of Statutes relating to India, Vol. I.

**Rules regulating the employment of Natives of India in the offices of Accountant-General.**

*No. 1129, dated the 26th August, 1910.*—In exercise of the power conferred by section 6 of the Government of India Act, 1870 (33 Vict., c. 3), the Governor General in Council has been pleased to make the following rules for regulating the employment of Natives of India in the offices of Accountant-General, which rules have been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

1. The Government of India may appoint any member of the Enrolled List of the Finance Department of that Government, not being a member of the Civil Service of His Majesty in India, who is a Native of India and of proved merit and ability, to the office of an Accountant-General, provided that the number of Natives of India so employed, together with any European members of the Enrolled List, not being members of the Civil Service of India, holding the appointment of Accountant-General shall not exceed the proportion of the offices of Accountants-General which the Secretary of State may from time to time fix as tenable by members of the Enrolled List, not being members of the Civil Service of His Majesty in India.
2. In addition to appointments made under Rule 1 the Government of India may, whenever the exigencies of the public service require, appoint to the office of Accountant-General, for a period not exceeding three months, any member of the Enrolled List of the Finance Department of that Government, not being a member of the Civil Service of His Majesty in India, who is a Native of India and of proved merit and ability.
3. The Government of India may declare any appointment made under these rules to be made on probation only, and may prescribe the terms on which it is made and the conditions with which the person appointed must comply before he can be confirmed.
4. The Government of India may at any time suspend and remove any person appointed under these rules.

[See Gazette of India, 1910, Pt. I, p. 826.]

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**Appointment of Subordinate Judges, Eastern Bengal and Assam.**

*No. 1241, dated the 9th September, 1910.*—In exercise of the power conferred by the Statute 33 Vict., c. 3, section 6, and in continuation of the rules published in the notifications marginally noted, the Governor General in Council has been pleased to make the following

- No. 2159, dated the 2nd November, 1892.
- „ 67, dated the 24th January, 1895.
- „ 1859, dated the 8th November, 1895.
- „ 661, dated the 26th March, 1896.
- „ 1718, dated the 30th October, 1896.

rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

The Government of Eastern Bengal and Assam may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[See Gazette of India, 1910, Pt. I, p. 942.]

**Empowering the Government of Bihar and Orissa to appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.**

No. 1707, dated the 3rd October, 1913.—In exercise of the power

No. 67, dated the 24th January, 1895.  
„ 1859, dated the 8th November, 1895.  
„ 661, dated the 26th March, 1896.  
„ 1713, dated the 30th October, 1896.  
„ 1128, dated the 26th August, 1910.  
„ 1241, dated the 9th September, 1910.

conferred by the Statute 33 Vict., c. 3, section 6, and in continuation of the rules published in the notifications quoted on the margin, the Governor General in Council

has been pleased to make the following rule which has been sanctioned by the Secretary of State in Council with the concurrence of a majority of the members present:—

The Government of Bihar and Orissa may appoint any Subordinate Judge, being a member of the Provincial Civil Service and a Native of India of proved merit and ability, to be also an Assistant Sessions Judge.

[See Gazette of India, 1913, Pt. I, p. 902.]

#### Certificates of re-admission to British nationality.

No. 360-P., dated 23rd January, 1879.—The following Regulations with appended instructions for the grant to applicants in British India of certificates of re-admission to British nationality under Section VIII of <sup>1</sup>Act 33 Vict., c. 14, are published for general information:—

#### NATURALIZATION ACTS, 1870.

##### Regulations.

In exercise of the powers contained in the Naturalization Acts, 1870, I, the Right Honourable Gathorne Hardy, Viscount Cranbrook, one of Her Majesty's Principal Secretaries of State, make the following Regulations:—

##### Forms.

I.—The form of certificate granted in pursuance of the said Acts shall be as follows:—

#### NATURALIZATION ACTS, 1870.

##### Certificate of re-admission to British nationality.

Whereas  
Presented to the Right Honourable  
the Governor General of India in Council, a memorial praying for a certificate of re-admission to British nationality, and alleging that he

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

was a natural-born British subject, and that he became an alien by \* Where the being naturalized as a subject (or citizen) of\* on the applicant is a day of 18 . That he is and that in the period of widow, the eight years preceding his application, he has resided for five years within form must be modified British India, or has been for five years in the service of the Crown accordingly, and recite as the allegation in the memorial that the applicant became an

And intends, if he receives the certificate of re-admission to British nationality, for which he prays, to reside within British India (or to serve under the Crown):

And whereas the Governor General in Council has inquired into the circumstances of the case, and has received such evidence as the Governor General in Council has deemed necessary for proving the truth of the allegations contained in such memorial:

And whereas the said has taken the oath of allegiance:

Now, in pursuance of the authority given to him by the said Acts, the Governor General in Council grants to the aforesaid this certificate, and declares that, as from the date of this certificate, but not in respect of any previous transaction, he is hereby re-admitted to the status of a British subject; with this qualification, that within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject (or citizen) of that State according to the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof, A. B., a Secretary to the Government of India, has hereto subscribed his name this  
18

(Signed) A. B.,  
*Secretary to the Government of India.*

### NATURALIZATION ACTS, 1870.

#### *Oath of Allegiance.*

No.

II.—The form in which the oath of allegiance shall be subscribed shall be as follows:—

I, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law. So help me God.

(Signed)

Sworn and subscribed this day of before  
me.

(Signed)  
*Justice of Peace (or other official title).*

## NATURALIZATION ACTS, 1870.

*Instructions to applicants in British India for certificates of re-admission to British nationality.*

The following instructions do not apply in the case of aliens who desire no more than re-admission to British nationality within the limits of British India. For their case sufficient provision is made in <sup>1</sup>Act No. XXX of 1852 (*for the Naturalization of Aliens*):—

1. Any person resident in British India, who desires to obtain a certificate of re-admission to British nationality, so as to carry the privileges thereby conferred beyond the limits of British India, must present to the Government of India, in the Home Department, a memorial praying for the grant of such certificate.

2. The memorial must state—

- (1) The name, address, age, profession, trade or other occupation of the applicant.
- (2) Whether the applicant is married, and has any children under age residing with him, and, if so, state their names and ages.
- (3) That the applicant was a natural-born British subject, by reason of having been born in British territory, or by reason of his or her father or grandfather by the father's side having been a British subject.
- (4) That the applicant became the subject or citizen of a foreign State; the name of the foreign State must be specified, and the mode in which the applicant became an alien: if the applicant became an alien by naturalization, the date of such naturalization must be mentioned, or if the applicant be a widow who became an alien by marriage with her late husband, the date and place of such marriage, the name of her husband, and the foreign State of which he was a subject, must be mentioned.
- (5) That during the period of eight years preceding the application the applicant has for five years resided within British India (the place or places of such residence being specified) or that during the same period of eight years he has for five years been in the service of the Crown (the post in which he served being specified).
- (6) That the applicant intends to reside in British India, or to serve under the Crown.

3. The applicant must verify the statements in his memorial by a declaration made before the Magistrate of the district, or a Magistrate of Police.

4. The statements in the memorial must be further verified; and the respectability and loyalty of applicant vouched for, by declaration made

<sup>1</sup> See the Act as modified up to 30th April, 1803.

in like manner by four householders, who are natural-born British subjects, and none of them the agent, attorney, or vakil of the memorialist. The declaration may be made by such declarants jointly or by each separately; but each of the declarants must in his declaration state, as to himself, the fact that he is a householder and natural-born British subject, the place of his residence, and the period during which he has personally known the applicant.

5. The Governor General in Council, if he thinks fit to grant a certificate to the applicant, will cause him to be furnished in triplicate with a paper containing a blank form of oath of allegiance and a blank form of certificate.

6. The applicant will then take and subscribe in triplicate the oath of allegiance in the presence of an officer having the full powers of a Magistrate.

7. The Magistrate will then forward to the Government of India in the Home Department, in triplicate, the paper containing the form of the certificate still in blank, and the oath of allegiance subscribed as aforesaid.

8. The certificate will then be signed, in triplicate, by a Secretary to the Government of India.

9. The Government of India in the Home Department will then deliver one copy of the certificate and oath of allegiance to the applicant, will retain the second in its own custody, and will forward the third to Her Majesty's Government in England for registration by the Home Government.

#### CRANBROOK.

[See Gazette of India, 1879, Pt. I, p. 71.]

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#### **Declaration by British subjects naturalized in United States of America on resumption of British nationality.**

No. 633-P., dated the 15th March, 1872.—In continuation of <sup>1</sup>No-  
tification No. 1333-P. of 30th June, 1871, the Governor General in  
Council is pleased to notify as follows, regarding the declaration to be  
made under section 3 of the <sup>2</sup>Naturalization Act, 1870, by British  
subjects naturalized in the United States of America, in order to re-  
nounce their status as naturalized American citizens and to resume Bri-  
tish nationality:—

Whereas by section 3 of the Naturalization Act, 1870, it was  
provided as follows:—

“ When Her Majesty has entered into a Convention with any foreign State to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their

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<sup>1</sup> See Gazette of India, 1871, Pt. I, page 473. The notification publishes ss. 4 and 6 of the Naturalization Act, 33 Vict., c. 14, and forms of declaration of alienage or renunciation of British nationality, for these see *infra*, p. 92 *et seq.*

<sup>2</sup> Collection of Statutes relating to India, Vol. I.

status as such subjects, it shall be lawful for Her Majesty, by Order in Council, to declare that such Convention has been entered into by Her Majesty; and from and after the date of such Order in Council any person being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the Convention, make a declaration of alienage, and from and after the date of his so making such declaration such person shall be regarded as an alien, and as a subject of the State to which he originally belonged as aforesaid.

"A declaration of alienage may be made as follows, that is to say—if the declarant be in the United Kingdom, in the presence of any Justice of the Peace; if elsewhere in Her Majesty's dominions, in the presence of any Judge of any Court of Civil or Criminal Jurisdiction, of any Justice of the Peace, or of any other Officer for the time being authorized by law in the place in which the declarant is to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in the presence of any Officer in the Diplomatic or Consular Service of Her Majesty."

And whereas, in pursuance of the said section, Her Majesty entered into a Convention with the United States of America which was signed at London, May 13th, 1870, and the ratifications of which were exchanged at London, August 10th, 1870, to the following effect:—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America being desirous to regulate the citizenship of British subjects who have emigrated or who may emigrate from the British dominions to the United States of America, and of citizens of the United States of America who have emigrated or who may emigrate from the United States of America to the British dominions, have resolved to conclude a Convention for that purpose, and have named as their Plenipotentiaries, that is to say—

"Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, the Right Hon'ble George William Frederick, Earl of Clarendon, Baron Hyde of Hindon, a Peer of the United Kingdom, a Member of Her Britannic Majesty's Most Hon'ble Privy Council, Knight of the Most Noble Order of the Garter, Knight Grand Cross of the Most Hon'ble Order of the Bath, Her Britannic Majesty's Principal Secretary of State for Foreign Affairs;

"and the President of the United States of America, John Lothrop Motley, Esq., Envoy Extraordinary and Minister Plenipotentiary of the United States of America to Her Britannic Majesty;

"who after having communicated to each other their respective full powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

#### "ARTICLE I.

"British subjects who have become, or shall become, and are naturalized, according to law within the United States of America, as citizens thereof, shall, subject to the provisions of Article II, be

held by Great Britain to be in all respects and for all purposes citizens of the United States, and shall be treated as such by Great Britain.

" Reciprocally, citizens of the United States of America who have become, or shall become, and are naturalized, according to law within the British dominions, as British subjects, shall, subject to the provisions of Article II, be held by the United States to be in all respects and for all purposes British subjects, and shall be treated as such by the United States.

#### "ARTICLE II.

" Such British subjects as aforesaid, who have become and are naturalized as citizens within the United States, shall be at liberty to renounce their naturalization and to resume their British nationality, provided that such renunciation be publicly declared within two years after the twelfth day of May 1870.

" Such citizens of the United States as aforesaid, who have become and are naturalized within the dominions of Her Britannic Majesty as British subjects, shall be at liberty to renounce their naturalization, and to resume their nationality as citizens of the United States, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the present Convention.

" The manner in which this renunciation may be made and publicly declared, shall be agreed upon by the Governments of the respective countries.

#### "ARTICLE III.

" If any such British subject as aforesaid, naturalized in the United States, should renew his residence within the dominions of Her Britannic Majesty, Her Britannic Majesty's Government may, on his own application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a British subject, and the United States shall not, in that case, claim him as a citizen of the United States on account of his former naturalization.

" In the same manner, if any such citizen of the United States as aforesaid, naturalized within the dominions of Her Britannic Majesty, should renew his residence in the United States, the United States Government may, on his own application, and on such conditions as that Government may think fit to impose, re-admit him to the character and privileges of a citizen of the United States, and Great Britain shall not, in that case, claim him as a British subject on account of his former naturalization.

#### "ARTICLE IV.

" The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at London as soon as may be within twelve months from the date hereof.

" In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

"Done at London the thirteenth day of May in the year of our Lord one thousand eight hundred and seventy.

"(L. S.) CLARENDRON.

"(L. S.) JOHN LOTHROP MOTLEY."

AND WHEREAS a further Convention, supplementary to the foregoing Convention, was signed at Washington, February 23rd, 1871 (the ratifications being exchanged at Washington, May 4th, 1871), and was to the following effect:—

"Whereas by the second Article of the Convention between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the United States of America for regulating the citizenship of subjects and citizens of the contracting parties who have emigrated or may emigrate from dominions of the one to those of the other party, signed at London on the 13th of May 1870, it was stipulated that the manner in which the renunciation by such subjects and citizens of their naturalization, and the resumption of their native allegiance, may be made and publicly declared, should be agreed upon by the Governments of the respective countries; Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the President of the United States of America, for the purpose of effecting such agreement, have resolved to conclude a Supplemental Convention and have named as their Plenipotentiaries, that is to say, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Sir Edward Thornton, Knight Commander of the Most Hon'ble Order of the Bath, and Her Envoy Extraordinary and Minister Plenipotentiary to the United States of America, and the President of the United States of America, Hamilton Fish, Secretary of State, who have agreed as follows:—

#### "ARTICLE I.

"Any person being originally a citizen of the United States, who had previously to May 13th, 1870, been naturalized as a British subject, may at any time before August 10th, 1872, and any British subject, who at the date first aforesaid had been naturalized as a citizen within the United States, may at any time before May 12th, 1872, publicly declare his renunciation of such naturalization by subscribing an instrument in writing substantially in the form hereunto appended, and designated as Annex A.

"Such renunciation by an original citizen of the United States of British nationality shall, within the territories and jurisdiction of the United States, be made in duplicate, in the presence of any Court authorized by law for the time being to admit aliens to naturalization, or before the Clerk or Prothonotary of any such Court; if the declarant be beyond the territories of the United States, it shall be made in duplicate before any Diplomatic or Consular Officer of the United States. One of such duplicates shall remain on record in the custody of the Court or Officer in whose presence it was made; the other shall be, without delay, transmitted to the Department of State.

" Such renunciation, if declared by an original British subject, of his acquired nationality as a citizen of the United States, shall, if the declarant be in the United Kingdom of Great Britain and Ireland, be made in duplicate, in the presence of a Justice of the Peace; if elsewhere in Her Britannic Majesty's dominions, in triplicate, in the presence of any Judge of Civil or Criminal Jurisdiction, of any Justice of the Peace, or of any other Officer for the time being authorized by law in the place in which the declarant is, to administer an oath for any judicial or other legal purpose; if out of Her Majesty's dominions, in triplicate, in the presence of any Officer in the Diplomatic or Consular Service of Her Majesty.

#### " ARTICLE-II.

" The contracting parties hereby engage to communicate each to the other, from time to time, lists of the persons who within their respective dominions and territories, or before their Diplomatic and Consular Officers, have declared their renunciation of naturalization, with the dates and places of making such declarations, and such information as to the abode of declarants, and the time and places of their naturalization, as they may have furnished.

#### " ARTICLE III.

" The present Convention shall be ratified by Her Britannic Majesty and by the President of the United States, by and with the advice and consent of the Senate thereof, and the ratifications shall be exchanged at Washington as soon as may be convenient.

" In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto their respective seals.

" Done at Washington the twenty-third day of February in the year of our Lord one thousand eight hundred and seventy-one.

" (L. S.) EDWARD THORNTON.

" (L. S.) HAMILTON FISH.

#### " ANNEX A.

" I, A.B., of (*insert abode*), being originally a citizen of the United States of America (*or a British subject*), and having become naturalized within the dominions of Her Britannic Majesty as a British subject (*or as a citizen within the United States of America*), do hereby renounce my naturalization as a British subject (*or citizen of the United States*) and declare that it is my desire to resume my nationality as a citizen of the United States (*or British subject*).

" (Signed) A.B.

"Made and subscribed before me in (insert  
country or other sub-division and state, province, colony, legation, or  
consulate) this day of

"(Signed) E. F.,

"Justice of the Peace (or other title).

"(L. S.) EDWARD THORNTON.

"(L. S.) HAMILTON FISH."

AND WHEREAS by an Order made by Her Majesty in Council, 17th August, 1870, it was ordered as follows:—

"At the Court of Windsor, the 17th day of August, 1870.

"PRESENT:

"The Queen's Most Excellent Majesty in Council.

"Whereas by 'The Naturalization Act, 1870,' it is enacted that where Her Majesty has entered into a Convention with any foreign State, to the effect that the subjects or citizens of that State who have been naturalized as British subjects may divest themselves of their status as such subjects, it shall be lawful for Her Majesty by Order in Council to declare that such Convention has been entered into by Her Majesty; and from and after the date of such Order in Council, any person, being originally a subject or citizen of the State referred to in such Order, who has been naturalized as a British subject, may, within such limit of time as may be provided in the Convention, make a declaration of alienage; and from and after the date of his so making such declaration, such person shall be regarded as an alien and as a subject of the State to which he originally belonged as aforesaid. And whereas, on or about the thirteenth day of May last past, a Convention between Her Majesty and the President of the United States of America was duly signed at London, the ratifications whereof were duly exchanged at London, the tenth day of August instant, whereby the subjects or citizens of the United States of America who have been naturalized as British subjects are at liberty to renounce their naturalization and divest themselves of their status as such British subjects, provided that such renunciation be publicly declared within two years after the exchange of the ratifications of the said Convention. Now, therefore, Her Majesty, by and with the advice of Her Privy Council, doth hereby declare that Her Majesty has entered into a Convention with the said United States of America, to the effect that the subjects or citizens of those States who have been naturalized as British subjects may divest themselves of their status as such subjects."

Now, this is to notify that all British subjects who have become and are naturalized, according to the law within the United States of America, as citizens thereof, may renounce such naturalization and

resume their British nationality, provided that such renunciation be made before the 12th day of May, 1872.

The renunciation is to be made in the following form :—

I, A. B. (*insert abode*), being originally a British subject and having become naturalized as a citizen within the United States of America, do hereby renounce my naturalization as a citizen of the said United States, and declare that it is my desire to resume my nationality as a British subject.

(Signed) A. B.

Made and subscribed before me in (*insert country or other sub-division, and state, province, colony, legation, or consulate*)  
this day of 187 .

(Signed) E. F.,  
*Justice of the Peace (or other title).*

This declaration must be made as directed in section 3 of the said Naturalization Act, 1870, hereinbefore recited.

It is further notified that although by the above-recited Convention of the 23rd day of February, 1871, it is provided that American citizens who have been naturalized as British subjects should make the declaration of renunciation before an United States Court of Justice or Diplomatic or Consular Officer of the United States, it is necessary, nevertheless, in order to comply with the terms of the said section 3, that such declaration be also made before one of the officers mentioned in the said section.

It is further notified that no fee will be levied for receiving the declaration hereinbefore mentioned. The said declarations are to be made in triplicate,—one copy is to be delivered to the declarant, one is to be retained in the archives of the *Officer* before whom the declaration is made, and one is to be transmitted to the Secretary to the Government of India in the Foreign Department.

[See Gazette of India, 1872, Pt. I, p. 245.]

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#### **Regulations under the Naturalization Acts.**

The following amended Regulations connected with the Naturalization Act of 1870 (received from Her Majesty's Secretary of State for India) are republished for general information :—

#### **NATURALIZATION ACTS, 1870.**

##### **REGULATIONS.**

In exercise of the powers contained in the Naturalization Acts, 1870, I, the Right Honourable Henry Austin Bruce, one of Her Majesty's

Principal Secretaries of State, make the following Regulations:—

FORMS.

I.—The forms of Declarations made in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

*Declaration of Alienage by a Naturalized British Subject.*

I, A. B. of (*insert address*), having been naturalized as a British subject on the                   of               18   , do hereby, under the provisions of the Order of Her Britannic Majesty in Council of the                   and of the treaty between Great Britain and C. D., renounce my naturalization as a British subject, and declare that it is my desire to resume my nationality as a subject (*or citizen*) of C. D.

(Signed) A. B.

Made and subscribed this                   day of               18   , before me.

(Signed) E. F.,

*Justice of the Peace (or other official title).*

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NATURALIZATION ACTS, 1870.

*Declaration of Alienage by a Person born within British Dominions.*

I, A. B., of (*insert address*), being held by the common law of Great Britain to be a natural-born subject of Her Britannic Majesty by reason of my having been born within Her Majesty's dominions, and being also held by the law of C. D. to have been at my birth, and to be still, a subject (*or citizen*) of C. D., hereby renounce my nationality as a British subject, and declare that it is my desire to be considered and treated as a subject (*or citizen*) of C. D.

(Signed) A. B.

Made and subscribed this day of               18   , before me.

(Signed) E. F.,

*Justice of the Peace (or other official title).*

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NATURALIZATION ACTS, 1870.

*Declaration of Alienage by a Person who is by origin a British Subject.*

I, A. B., of (*insert address*), having been born out of Her Britannic Majesty's Dominions of a father being a British subject, do hereby renounce my nationality as a British subject.

(Signed) A. B.

Made and subscribed this                    day of                    18 , before  
me.

(Signed) G. H.,  
*Justice of the Peace (or other official title).*

NATURALIZATION ACTS, 1870.

*Declaration of British Nationality.*

I, A. B., of (insert address), being a natural-born subject of Her Britannic Majesty, and having voluntarily become naturalized as a subject (or citizen) of C. D., on the                    of                    18 , do hereby renounce such naturalization, and declare that it is my desire to be considered and treated as a British subject.

(Signed) A. B.

Made and subscribed this                    day of                    18 , before  
me.

(Signed) E. F.,  
*Justice of the Peace (or other official title).*

NOTE.—The Act of Parliament under which this declaration is made provides that the declarant " shall not, when within the limits of the Foreign State in which he has been naturalized, be deemed to be a British subject, unless he has ceased to be a subject of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect."

II.—The forms of Certificates granted in pursuance of the said Acts shall be respectively as follow:—

NATURALIZATION ACTS, 1870.

*Certificate of Naturalization to an Alien.*

Secretary of State's Office, Whitehall.

Whereas A. B., an alien, now residing at                   , has presented to me, the Right Honourable E. F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization, and alleging that he is (*particulars according to the "Instructions"*), and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (or has been for five years in the service of the Crown as           ), and intends, when naturalized, to reside in the United Kingdom (or to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and

other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a subject, be deemed to be a British subject, unless he has ceased to be a subject (*or* citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this day  
of 18 .

(Signed) E. F.

## NATURALIZATION ACTS. 1870.

*Certificate of Naturalization under the Acts of 1870 to an Alien naturalized under the Act of 1844.*

Secretary of State's Office, Whitehall.

Whereas A. B., an Alien, now residing at , has presented to me, the Right Honourable E. F., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a certificate of naturalization under the Naturalization Acts, 1870, and alleging that he was naturalized in the United Kingdom in pursuance of the Act 7 & 8 Vict., c. 66, on the day of 18 , that he was originally a subject of , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (or has been for five years in the service of the Crown as ), and intends, if he receives the certificate of naturalization for which he prays, to reside in the United Kingdom (or to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the Naturalization Acts, 1870, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and subject to all obligations, to which a natural-born British subject is entitled or subject in the United Kingdom; with this qualification, that he shall not, when within the limits of the foreign State of which he was a natural-born subject (or citizen), be deemed to be a British subject, unless he had ceased to be a subject (or citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this  
day of 18.

(Signed) E. F.

## NATURALIZATION ACTS, 1870.

*Special Certificate of Naturalization to a person with respect to whose Nationality a doubt exists.*

Secretary of State's Office, Whitehall.

Whereas A. B., of \_\_\_\_\_, has presented to me, the Right Honourable C. D., one of Her Majesty's Principal Secretaries of State, a memorial, praying for a special certificate of naturalization under the above-mentioned Acts, and alleging that he is a person with respect to whose nationality as a British subject a doubt exists, that he is

, and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (*or* has been for five years in the service of the Crown as \_\_\_\_\_), and intends, if he receives the certificate of Naturalization for which he prays, to reside in the United Kingdom (*or* to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; now, in pursuance of the authority given to me by the said Act, and for the purpose of quieting doubts as to the right of the said A. B. to be a British subject, I grant to the aforesaid A. B. this certificate, and declare that he is hereby naturalized as a British subject, and that, upon taking the oath of allegiance, he shall in the United Kingdom be entitled to all political and other rights, powers, and privileges, and be subject to all obligations, to which a natural-born British subject is entitled to or subject in the United Kingdom; with this qualification, that if it should be proved that the said A. B. was heretofore a subject (*or* citizen) of any other State, he shall not, when within the limits of such State, be deemed to be a British subject, unless he has ceased to be a subject (*or* citizen) of that State in pursuance of the laws thereof, or in pursuance of a treaty to that effect. And I further declare that the grant of this special certificate of naturalization shall not be deemed to be any admission that the aforesaid A. B. was not heretofore a British subject.

In witness whereof I have hereto subscribed my name this day of 18 .

(Signed) C. D.

## NATURALIZATION ACTS, 1870.

*Certificate of re-admission to British nationality.*

(To be granted by one of Her Majesty's Principal Secretaries of State.)

Whereas A. B. has presented to me, the Right Honourable E. F., one of Her Majesty's Principal Secretaries of State, a memorial praying for a certificate of re-admission to British nationality, and alleging that he was a natural-born British subject, and that he became an alien by being naturalized as a subject (*or* citizen) of G. H.,\* on the

\* Where the applicant is a widow, the form must be modified accordingly, and recite the allegation in the memorial that the applicant became an alien by marriage with her late husband L. M., a subject (*or* citizen) of G. H.

day of 18 , that he is , and that in the period of eight years preceding his application he has resided for five years within the United Kingdom (*or* has been for five years in the service of the Crown as ), and intends, if he receives the certificate of re-admission to British nationality for which he prays, to reside in the United Kingdom (*or* to serve under the Crown); and whereas I have inquired into the circumstances of the case, and have received such evidence as I have deemed necessary for proving the truth of the allegations contained in such memorial; and whereas the said A. B. has taken the oath of allegiance; now, in pursuance of the authority given to me by the said Acts, I grant to the aforesaid A. B. this certificate, and declare that as from the date of this certificate, but not in respect of any previous transaction, he is hereby re-admitted to the status of a British subject; with this qualification, that within the limits of the foreign State of which he became a subject, he shall not be deemed to be a British subject, unless he has ceased to be a subject (*or* citizen) of that State according to the laws thereof, or in pursuance of a treaty to that effect.

In witness whereof I have hereto subscribed my name this  
day of 18 .

(Signed) E. F.

#### OATH OF ALLEGIANCE.

III.—The Oath of Allegiance shall be subscribed as well as taken.

IV.—The following persons may administer the Oath of Allegiance:—  
In England or Ireland—

Any Justice of the Peace or any Commissioner authorised to administer oaths in Chancery.

In Scotland—

Any Sheriff, Sheriff-substitute, or Justice of the Peace.

Elsewhere in Her Majesty's dominions—

Any Judge of any Court of Civil or Criminal jurisdiction:

Any Justice of the Peace:

Any Officer for the time being authorised by law in the place in which the deponent is to administer an oath for any judicial or other legal purpose;

This regulation shall not apply to the case of the administration of an oath of allegiance in respect of a Declaration of British nationality for which case provision is made by the Naturalization Act, 1870 (33 Vict., c. 14, s. 6).

V.—The form in which the Oath of Allegiance shall be subscribed shall be as follows:—

I, A. B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors, according to law So help me God.

(Signed) A. B.

Sworn and subscribed this                    day of                    before me.

(Signed) C. D.,

*Justice of the Peace (or other official title).*

VI.—The Oath of Allegiance taken and subscribed in pursuance of the said Acts may be proved in any legal proceeding by the production of the original Certificate, or any copy thereof certified to be a true copy by one of Her Majesty's Principal or Under Secretaries of State.

This regulation shall apply exclusively to legal proceedings in the United Kingdom.

### REGISTRATION.

VII.—Every Declaration, whether of Alienage or British nationality, and every Certificate, whether of naturalization or of re-admission to British nationality, and every Oath of Allegiance taken with respect to a Declaration or Certificate, shall be registered in the office of one of Her Majesty's Principal Secretaries of State.

Copies, certified by one of Her Majesty's Principal or Under Secretaries of State, to be true copies of any Declaration, Certificate, or Oath which has been registered, may be obtained at such office as aforesaid.

This regulation shall apply exclusively to such Declarations, Certificates, and Oaths as may be made, granted, and taken respectively in the United Kingdom.

### FEES.

VIII.—With the consent of the Lords Commissioners of Her Majesty's Treasury, I prescribe that fees may be taken and applied as follows:—

The matter in which the Fee may be taken.	The Amount of Fee.	To whom Payment of Fee to be applied.
For taking a declaration, whether of alienage or British nationality.	£ s. d. 0 2 6	To the clerk of justice taking declara- tion, or in Scotland, to the clerk of the peace or any of his deputes.

The matter in which the Fee may be taken.	The Amount of Fee. <i>L s. d.</i>	To whom Payment of Fee to be applied.
For granting a certificate, whether of naturalization or re-admission to British nationality, and for registering the same, together with the oath of allegiance.	1 0 0	Into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time shall direct, and to be carried to the Consolidated Fund.
For administration of the oath of allegiance.	0 2 6	In England or Ireland, if the oath is administered by a justice of the peace, to the clerk of such justice, otherwise to the officer administering the oath.
		In Scotland, if the oath is administered by a sheriff or sheriff-substitute, to the sheriff clerk; if by a justice of the peace to the clerk of the peace or any of his deputies.
For transmitting a declaration with or without oath, for registration.	0 0 6	To the clerk of the justice who transmits the same, or in Scotland, to the clerk of the peace, or any of his deputies.
For registration of declaration with or without oath of allegiance.	0 10 0	Into the receipt of Her Majesty's Exchequer in manner aforesaid.
For certified copy of any declaration or certificate, with or without oath.	0 10 0	The same.

This regulation shall apply exclusively to declarations, certificates, and oaths made, granted, and taken respectively in the United Kingdom.

*1st February, 1872.*

(Sd.) H. A. BRUCE.

[See Bombay Government Gazette, 1872, Pt. I, p. 501.]

THE EAST INDIA CONTRACTS ACT, 1870 (33 & 34 VICT., c. 59).

**Execution of contracts and deeds on behalf of the Secretary of State.**

Nos. 713—734, dated the 2nd June, 1913.—RESOLUTION.—In exercise of the powers conferred by section 2 of the <sup>1</sup>East India Contracts Act, 1870 (33 & 34 Vict., c. 59), and of all other powers enabling him in this behalf, the Governor General in Council is pleased, in supersession of existing orders, to declare that the undermentioned classes of deeds, contracts and other instruments referred to in section 2 of the <sup>1</sup>Govern-

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

ment of India Act, 1859 (22 & 23 Vict., c. 41), may be executed as follows:—

A.—In the case of the Governor General in Council—

1. All deeds and instruments relating to any matters other than those hereinafter specified. By a Secretary to the Government of India.
2. All deeds and instruments relating to railway matters other than those herein-after specified. By the Secretary to the Railway Board.

B.—In the case of the Army Department—

I.—In the Military Works Services (subject to any limits fixed by the Government of India):—

1. All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc.
2. All instruments relating to the execution of works of all kinds connected with buildings, bridges, roads, canals, tanks, reservoirs, docks and harbours, and embankments, and also instruments relating to the construction of water-works, sewage works, and the erection of machinery.
3. Security bonds for the due performance and completion of works.
4. Security bonds for the due performance of their duties by Government servants whom the officers specified have power to appoint.
5. Leases for grazing cattle on canal banks or roadsides; for fishing in a canal; for the cultivation of land; leases of water for irrigation and other purposes, and leases of water power; and instruments relating to the sale of grass, trees or other produce on roadsides or in plantations. By the Director-General of Military Works, Commanding Royal Engineers, Assistant Commanding Royal Engineers and Garrison Engineers.
6. Leases of houses, land or other immovable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.
7. All instruments connected with the reconveyance of property given as security.
8. Instruments connected with the collection or farming of tolls at bridges or ferries or other means of communication provided by the Local Government.
9. Agreement for the recovery of fines on account of drift wood or other timber passing into a canal.
10. Agreements with temporary establishments.
11. Agreements entered into in India with civilian mechanics and others for a specified period of service in the Military Works Services. By the Director-General of Military Works.
12. All deeds and instruments relating to any matters other than those specified in heads 1 to 11. By a Secretary to the Government of India or a Secretary to a Local Government.

II.—Contracts and other instruments for the Ordnance Department:—

1. Contracts for stores obtained in India for supplies to arsenals, depots or factories.
  2. Contracts for undertaking sales of unserviceable stores.
  3. Agreements entered into in India with civilian employés for a specified period of service in ordnance establishments.
  4. Contracts for landing, weighing and forwarding ordnance stores.
  5. All instruments connected with the reconveyance of property given as security.
- } By the Director-General of Ordnance in India, Director of Ordnance Factories, Director of Ordnance Stores and Director of Ordnance Inspection.
- } By the Director-General of Ordnance in India, Director of Ordnance Factories, Director of Ordnance Stores and Director of Ordnance Inspection, Assistant Director of Ordnance Stores in charge of arsenals and Superintendents of Factories.

III.—Contracts for the Supply and Transport Corps:—

1. Contracts for supplies and services to and purchases from the Supply and Transport Corps.
  2. All instruments connected with the reconveyance of property given as security.
  3. Agreements entered into in India with civilian employés for a specified period of service in the Supply and Transport Corps.
- } By a Secretary to the Government of India in the Army Department, the Quarter Master General in India, Divisional, Brigade and Station Commanders, and officers of the Supply and Transport Corps other than Departmental officers with honorary rank.

IV.—Contracts for the Army Clothing Department:—

1. Contracts for supplies and services to and purchases from the Army Clothing Department.
  2. All instruments connected with the reconveyance of property given as security.
  3. Agreement entered into in India with civilian employés for a specified period of service in the Army Clothing Department.
- } By the Secretary to the Government of India in the Army Department, the Quarter Master General in India, and Superintendents of Army Clothing Factories.

V.—Contracts for the Medical Department:—

1. All contracts for supplies and services to and purchases from the Medical Store Department.
  2. All instruments connected with the reconveyance of property given as security.
  3. Agreements with passed candidates for the Indian Subordinate Medical Department.
  4. Security bonds on behalf of native military medical pupils.
  5. Agreements entered into in India with Lady Nurses of Queen Alexandra's Military Nursing Service for India.
  6. Agreements with Matrons of Station Family Hospitals in India.
- } By the Director-General, Indian Medical Service, and Medical Store-keepers to Government.
- } By Medical Store-keepers to Government.
- } By Principals of Medical Colleges and Schools.
- } By the Director, Medical Services in India.
- } By the Officer Commanding the Station Hospital concerned.

**VI.—Contracts and other instruments for the Army Remount Department:—**

1. Agreements with shippers for landing horses at the Presidency Remount Dépôt, Calcutta. By the Quarter Master General in India, or the Superintendent, Remount Dépôt, Calcutta.
2. Contracts for undertaking the sale of rejected Government animals. By the Quarter Master General in India.
3. Contracts for the occupation of land . . . . . By Superintendents of Remount Dépôts and Circles with the approval of the Quarter Master General in India.
4. Contracts for grain, fodder or stores . . . . . By the Quarter Master General in India and Superintendents of Remount Dépôts and Circles.
5. All instruments connected with the re-conveyance of property given as security. By Superintendents of Remount Dépôts and Circles.
6. Contracts for petty works at Remount Dépôts and Circles. By Superintendents of Remount Dépôts and Circles.

**VII.—Contracts and other instruments for the Farms Department:—**

- Leases of land required for cultivation, grazing or other purposes by the Farms Department and instruments relating to other rights on lands under grass cultivation. By an officer of the Farms Department.

**VIII.—In the Military Accounts Department:—**

1. Deeds of reconveyance of dwelling and mess houses and of volunteer corps buildings which have been mortgaged to Government as security for the payment of building advances or loans. By Controllers of Military Accounts and Deputy Controllers of Military Accounts in independent charge.
2. Agreements for the supply of school or religious books.
3. Contracts for printing work . . . . .
4. All instruments connected with the re-conveyance of property given as security. By Controllers or Deputy Controllers of Military Accounts.
5. Agreements for the hire of houses required for the accommodation of Military Accounts Offices.

**IX.—Contracts and instruments relating to Cantonments:—**

1. Contracts relating to land belonging to Government situate in Cantonments, if for periods exceeding twelve months in each case. By the General Officer Commanding the Division or Independent Brigade.
2. Contracts relating to land belonging to Government situate in Cantonments, if for periods not exceeding twelve months in each case. (a) By the Secretary to the Cantonment Committee, in Cantonments where there is such a Committee, and (b) by the Commanding Officer of the Cantonment in those cases in which a Cantonment Committee has not been constituted.
3. Other contracts . . . . .

**X.—General instruments and contracts:—**

1. Agreements with clerks, copyists, draughtsmen, accountants, cashiers, agents, and store-keepers whom the officer is empowered to appoint. By any commissioned Military Officer.
2. Contracts for the supply of hot weather establishments and other temporary labour. By the Officer Commanding a unit, the Officer Commanding a sanatorium, and the officer in charge of a hospital.
3. Contracts for petty supplies to hospitals. By officers in charge of hospitals.

C.—In the case of the Royal Indian Marine and the Indian Troop Service.

1. Contracts for conveyance of troops, military stores, etc. By the Secretary to the Government of India, Marine Department.
2. Contracts for supply of Miscellaneous Marine Stores, Bombay Dockyard. By Director of the Royal Indian Marine.
3. Contracts for supply of Miscellaneous Marine Stores, Kidderpore Dockyard. By Deputy Director, Royal Indian Marine.
4. Contracts for provisions and Medical Comforts, Bombay Dockyard. By Director, Royal Indian Marine.
5. Contracts for provisions and Medical Comforts, Kidderpore Dockyard. By Deputy Director, Royal Indian Marine.
6. Contracts for supply of Indian and Welsh Coals. By Director, Royal Indian Marine.
7. Contracts for sailmaking, Bombay Dockyard. By Director, Royal Indian Marine.
8. Contracts for sailmaking, Kidderpore Dockyard. By Deputy Director, Royal Indian Marine.
9. Contracts for washing troop bedding, Indian Troop Service, Bombay Dockyard. By Resident Transport Officer.
10. Contracts for manufacture of coir rope, Kidderpore Dockyard. By Deputy Director, Royal Indian Marine.
11. Charter parties (hire of transport and for conveyance of troops, etc.). By Director, Royal Indian Marine.
12. Agreements for temporary employment of engineers, engine drivers and gunners, Bombay and Kidderpore Dockyards. By Director, Royal Indian Marine.
13. Contracts for engagement of crews for vessels of the Royal Indian Marine. By the officers in command of such vessels and by the Staff Officers of the Bombay and Kidderpore Dockyards.
14. Auction sale business, Bombay Dockyard. By Director, Royal Indian Marine.
15. Contract for slinging and unslinging hammocks, Bombay Dockyard. } By Director, Royal Indian Marine.
16. Contract for repairing clews and splicing lanyards, Bombay Dockyard. } By Director, Royal Indian Marine.
17. Contract for repairing and re-stuffing troop bedding, Bombay Dockyard. } By Director, Royal Indian Marine.
18. Contract for removal of coal ashes, Bombay. } By Director, Royal Indian Marine.
19. Contract for supply of coal to Port Blair. By Deputy Director, Royal Indian Marine.
20. Contract for supply of Welsh Coal at Aden. By Marine Transport Officer, Aden.
21. Contract for washing troop bedding, Indian Troop Service at Karachi. } By Resident Transport Officer, Bombay.
22. Contract for cleaning and painting troops decks, transporting crews of troopships, packing, sewing and making troop bedding and landing and shipping Marine Stores at Karachi. } By Resident Transport Officer, Bombay.
23. Contract for repairing and re-stuffing troop bedding at Karachi. } By Resident Transport Officer, Rangoon.
24. Contract for slinging and unslinging hammocks at Karachi. }
25. Contract for repairing clews and splicing lanyards at Karachi. }
26. Contract for supply of provisions and Medical comforts in Upper Burma. }

27. Contract for supply of provisions to Steam Launches "Muzbee" and "Sapper" at Karachi. By Marine Transport Officer, Karachi.
28. Contract for supply of rations to R.I.M.S. "Comet" at Bagdad. By Officer Commanding R.I.M.S.

<sup>1</sup>D.—In the case of the Currency Department, Treasuries and Account Offices :—

1. Mortgage-deeds given as security in connection with the employment of officers as Treasurers and the like in Currency Offices, and agreements entered into with such officers. By the Head Commissioner or Commissioner of Paper Currency.
2. Mortgage-deeds given as security in connection with the employment of officers as Treasurers and Shroffs in District or Sub-District Treasuries and agreements entered into with such officers. By Collectors or Deputy Commissioners of Districts.
3. Mortgage-deeds given as security in connection with the employment of Treasurers, Cashiers or Clerks in Account Offices, charged with the disbursement of money or the custody and handling of securities. By the Head of the Office.
4. Instruments relating to the reassignment of insurance policies which are assigned to the Secretary of State for India in accordance with the rules regulating the General Provident Fund. By the Account Officer of the Fund, as defined in the rules of the fund.
5. Deeds of reconveyance of security given by Shroffs in District and Sub-District Treasuries. By Collectors or Deputy Commissioners of Districts.

<sup>2</sup>E.—In the case of the Public Works Department (subject to any limits fixed in Departmental orders) :—

1. All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc.
  2. All instruments relating to the execution of works of all kinds, connected with buildings, bridges, roads, canals, tanks, reservoirs, docks and harbours and embankments, and also instruments relating to the construction of waterworks, sewage works, the erection of machinery, and the working of coal-mines.
  3. Security bonds for the due performance and completion of works.
  4. Security bonds for the due performance of their duties by Government servants whom the officers specified have power to appoint.
  5. Leases for grazing cattle on canal banks or roadsides; for fishing in a canal; for the cultivation of land under the Irrigation Department; leases of water for irrigation and other purposes, and leases of water-power; and instruments relating to the sale of grass, trees or other produce on roadsides or in plantations.
- By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches, the Military Secretary to His Excellency the Viceroy, the Superintendents of the Viceregal Estates and the Assistant Engineer in charge of the Simla Imperial Sub-Division.]
- By Chief Engineers, Superintending Engineers, Superintendents of Works, Divisional Officers in the Buildings and Roads and Irrigation Branches, and in Bengal by Sub-divisional Officers of the Irrigation Branch.

<sup>1</sup> Substituted by Resolution No. 1982—2004, dated the 12th November, 1913, see Gazette of India, 1913, Supplement, p. 2075.

<sup>2</sup> Substituted by Resolution No. 1589—1603, dated the 25th September, 1913, see Gazette of India, 1913, Supplement, p. 1759.

- 6. Leases of houses, land or other immovable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.
  - 7. All instruments connected with the reconveyance of property given as security.
  - 8. Instruments connected with the collection or farming of tolls at bridges or ferries or other means of communication provided by the Local Government.
  - 9. Agreements for the recovery of fines on account of drift wood or other timber passing into a canal.
  - 10. All deeds and instruments relating to any matters other than those specified in heads 1 to 9.
- } By Chief Engineers, Superintending Engineers, Superintendents of Works, Executive Engineers in the Buildings and Roads and Irrigation Branches.
- } By Chief Engineers, Superintending Engineers, Superintendents of Works, and Executive Engineers in the Irrigation Branch.
- } By Secretaries and Joint Secretaries to Local Governments.]

**F.—In the case of the Railway Department (subject to any limits fixed in Departmental orders):—**

- 1. All instruments relating to purchase, supply and conveyance or carriage of materials, stores, machinery, etc.
  - 2. All instruments relating to the execution of works of all kinds connected with railways, open or under construction.
  - 3. Security bonds for the due performance and completion of works.
  - 4. Security bonds for the due performance of their duties by Government servants whom the officers specified have powers to appoint.
  - 5. Leases of houses land or other immovable property, provided that the rent reserved shall not exceed Rs. 5,000 a month.  
(Leases of small branch lines of railway are excluded from this clause.)
  - 6. All instruments connected with the reconveyance of property given as security.
  - 7. Instruments connected with the collection or farming of tolls at bridges or ferries or other means of communication provided by the railway.
  - 8. Contracts connected with the loading and unloading of goods and for other matters necessary for, or incidental to, traffic working.
  - 9. Contracts connected with the sale of scrap ashes and other surplus material.
  - 10. Agreements for the interchange of traffic with other State Railways.
  - 11. Agreements with private or guaranteed Railway Companies, Tramway Companies, and other carrying companies.
- } By Managers, Deputy and Assistant Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Department.
- } By Managers, Deputy and Assistant Managers, Engineers-in-Chief, Superintendents of Works, Executive Engineers in the Railway Department, Locomotive Superintendents, Carriage and Wagon Superintendents, Traffic Superintendents, Examiners of Accounts, and Chief Store-keepers.
- } By Managers, Deputy and Assistant Managers, Engineers-in-Chief, Superintendents of Works, and Executive Engineers in the Railway Department.
- } By Managers and Traffic Superintendents of State Railways.
- } By Managers and Deputy Managers of State Railways.
- } By Managers of State Railways.

12. Agreements with covenanted engine-drivers on the expiry of the term of their original covenants. By Managers and Locomotive Superintendents of State Railways.
13. Agreements with monthly non-pensionable European, Eurasian, and Native employés on State Railways, defining the terms and conditions of service to be entered into on entering the service of Government. By Managers, Deputy and Assistant Managers, Engineers-in-Chief, Locomotive Superintendents, Carriage and Wagon Superintendents, Traffic Superintendents, Examiners of Accounts, Chief Store-keepers; and Executive Engineers in charge of Divisions, District Locomotive Superintendents, District Carriage and Wagon Superintendents, and District Traffic Superintendents in the Railway Department.

## G.—In the case of the Telegraph Department:—

1. Contracts and other instruments for works and stores. By the Director-General of Telegraphs, the Director of Construction, the Directors of Circles, Superintendents and Assistant Superintendents of Telegraphs, subject to the limit fixed by Departmental orders.
2. Leases of houses to the Telegraph Department, containing, where necessary, an agreement making the Government liable for loss by fire caused by the act of the lessee; provided that the rent reserved in such lease shall not exceed Rs. 300 a month. By the Director-General of Telegraphs.
3. Contracts and other instruments for securities deposited by Telegraph subordinates. By Superintendents and Assistant Superintendents of Telegraphs, subject to the limit fixed by Departmental orders.

## H.—In the case of the Post Office:—

1. Contracts and other instruments relating to the business of the Post Office. By the Director-General of the Post Office.
2. Contracts and other instruments relating to the business of the Post Office managed by a Post Master General or Inspector-General of Railway Mail Service and Sorting. By such Post Master General or Inspector-General of Railway Mail Service and Sorting, subject to any limit prescribed by Departmental orders.

## I.—In the case of the Civil Medical Department under the Government of India:—

- Contracts or other instruments relating to the Medical Department. By the Director-General of the Indian Medical Service.

<sup>1</sup>[J.—In the case of the Forest Department:—

- Contracts and other instruments in matters connected with the administration and working of forests and with the business of the Forest Department generally. By Chief Conservators, Conservators, Collectors of Districts, Deputy, Assistant, Extra Deputy, and Extra Assistant Conservators of Forests to such extent and within such limits as the Local Government may prescribe by notification in the Official Gazette.]

<sup>1</sup> Substituted by Resolution No. 1589—1603, dated the 25th September 1913, see Gazette of India, 1913, Supplement, p. 1759.

K.—In the case of the Printing, Stationery and Stamps Department:—

Contracts for the supply of stationery (and bonds of employees when it is necessary that they should be executed by the obligee), etc., to the Controller of Printing, Stationery and Stamps, India.

By the Controller of Printing, Stationery and Stamps, India.

L.—In the case of all Imperial Departments:—

Contracts and other instruments relating to house building advances, and advances for the purchase of motor cars.

By Heads of Imperial Departments, other than the Army Department, in respect of which the procedure prescribed in Army Regulations, India, Volume III, shall be observed.

M.—In the territories under the administration of the Government of Madras as regards contracts, etc., not hereinbefore specified:—

1. In the case of the Governor in Council—

All deeds and instruments relating to any matters other than those specified in heads 2 to 8.

By a Secretary to Government.

[2. (a) Contracts and other instruments for the purchase, supply, conveyance or carriage of building materials, stores, machinery, etc., and the provision of labour for building or other work, and such like engagements.

By Collectors of Districts, Sub-Collectors, Assistant and Deputy Collectors in charge of Divisions; Inspectors-General, Deputy Inspectors-General, and Superintendents of Police; Commissioner of Police, Madras; Inspector-General of Prisons; Inspector-General of Registration; Superintendent of Stationery; the Presidency Port Officer and Port Officers; and the Director of Industries.]

By the Inspector-General of Prisons, Madras.

(b) Contracts and other instruments regulating the sale of articles manufactured in jails.

By Collectors of Districts.

3. Exploring and prospecting licenses and all mining and other leases, whether as lessor or lessee, not herein otherwise provided for.

By the Surgeon-General with the Government of Madras.

4. Contracts and other instruments relating to the Medical Department.

By the Commissioner of Salt, Abkari, and Separate Revenue.

5. (a) Leases of whole Excise Salt Factories

By the Commissioner of Salt, Abkari, and Separate Revenue.

(b) All contracts, deeds or other agreements relating to the execution of salt works or the purchase, sale or transport of salt, the supply of labour, stores, building materials, etc., and any other like engagements relating to the salt revenue or the business of the Salt Department.

(c) All contracts, deeds or other agreements relating to the execution of salt works or the purchase, sale or transport of salt, the supply of labour, stores, building materials, etc., and any other like engagements relating to the salt revenue, or the business of the Salt Department within their respective jurisdictions and within the limit of

<sup>1</sup> Substituted by Resolution No. 1982—2004, dated the 12th November, 1913, see Gazette of India, 1913, Supplement, p. 2075.

value of Rs. 5,000; and contracts or agreements for the import of foreign salt on credit, for payment of the duty leviable thereon, or contracts or agreements for the clearance of salt under the credit system on the deposit of securities within the limit of value of Rs. 50,000.

- (d) Leases of land for salt manufacture in Government Salt Factories.
- (e) Leases of land for salt manufacture in Excise Salt Factories.

By Deputy Commissioners of the Salt, Abkari, and Customs Department.

- (f) Contracts or agreements for the import of foreign salts on credit, for payment of the duty leviable thereon, or contracts or agreements for the clearance of salt under the credit system wholesale on the deposit of securities within the limit of value of Rs. 10,000.

By Assistant Commissioners of the Salt, Abkari, and Customs Department.

- (g) Inam title-deeds . . . . .
- 6. Contracts and other instruments relating to matters connected with the Educational Department.
- 7. Security bonds for the due performance of their duties by Government servants whom the Presidency Port Officer, Madras, has power to appoint.
- 8. Contracts and other instruments relating to house building advances.

By the Inam Commissioner.

By the Director of Public Instruction.

By the Presidency Port Officer, Madras.

By the authorities granting the advances.

N.—In the territories under the administration of the Government of Bombay, as regards contracts, etc., not hereinbefore specified.

- 1. All deeds and instruments relating to matters, other than those specified in heads 2 to 15 and 17 to 24. By a Secretary to Government.
- 2. Contracts for the supply of articles of dead stock or petty supplies. By the Government officer for whose use such articles or petty supplies are required, or by any Government officer to whom such officer is subordinate.
- 3. Contracts for the sale of useless unclaimed or confiscated articles. By the Government officer in whose office such useless articles are, or by any Government officer to whom such officer is subordinate.
- 4. Contracts for lease or sale of Government buildings. By the chief local officer of the Department in whose charge such buildings are.
- 5. Contracts for hire or purchase of buildings for Government. By the chief local officer of the Department for which such buildings are to be hired or purchased.
- 6. Contracts and other instruments for the purchase, supply, and conveyance or carriage of building materials, stores, machinery, etc., and contracts for petty constructions and repairs, and for public works of every description which are not executed by the Public Works Department. By the chief local officer of the Department by which such works are to be executed, or by an Assistant or Deputy Collector if the work is executed by the Revenue or Salt Department.

7. Sanads—

- (a) continuing or confirming exemption from payment of land revenue, or
- (b) continuing or confirming any pension or grant of money or land revenue, or
- (c) confirming watan-service—commutation settlements, or
- (d) guaranteeing cash payments in lieu of abkari or other rights, or
- (e) granted under section 133 of the Bombay Land Revenue Code, 1879, or any other law for the time being in force relating to the survey of towns and cities.
- (f) for the planting of trees in open places in villages.

By Collectors of Districts

8. Deeds, contracts, and instruments relating to land, or to any benefit arising out of land, or to water, or to any benefit arising out of water or to land revenue.

By the Assistant or Deputy Collector.

- 9. Contracts for the farm of tolls, taxes, duties, cesses or revenues of any description.
- 10. Contracts for the erection or repairs of boundary marks.
- 11. Contracts for the supply of stationery, etc., to the Superintendent of Stationery.
- 12. Contracts for the supply of articles of any description for the use of jails or regarding the sale of articles manufactured in jails.
- 13. Security bonds for the due performance of their duties by Government servants.
- 14. Contracts for the supply of articles procured in the local markets for the police.

In the City of Bombay, by the Collector of Bombay; elsewhere, by Collectors of Districts; or in any business connected with the duties of the Talukdari Settlement Officer or of the Special Officer, Salsette Building Sites, by those Officers, respectively.]

By Collectors of Districts, or by the heads of the Departments by which such tolls, duties, cesses or revenues are levied.

By Survey Officers or Revenue Officers not lower in rank than Circle Inspectors.

By the Superintendent of Stationery, Bombay.

By the Inspector-General of Prisons, Bombay, or by Superintendents of Jails.

By the officers who are empowered to appoint such Government servants. By the Commissioner of Police in the City of Bombay; and elsewhere, by the Inspector-General of Police, Deputy Inspector-General of Police, or by District Superintendent of Police.

By the Commissioner of Police, Bombay.

In Sind, by the Commissioner in Sind or by the head of the Salt Department in that Province, or by Collectors of Districts; and elsewhere, by a Secretary to Government, or by the Collector of Salt Revenue, Bombay.

By Educational Inspectors or by the Principals of such Colleges.

By the Commissioner in Sind.

By the Director of Agriculture.

By the Superintendent of Land Records and Registration in Sind.

<sup>1</sup> Substituted by Resolution No. 1982—2004, dated the 12th November, 1913, see Gazette of India, 1913, Supplement, p. 2075.

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| <p>18. Agreements and deeds entered into with managers of Educational Institutions in respect of Government grants-in-aid or in respect of the lease of Government school buildings in the Presidency proper.</p> <p>19. Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, etc.</p> <p>Contracts for the supply of articles procured in the local markets for Veterinary Dispensaries, Government Stallions, and the Northcote Cattle Farm, Chharodi.</p> <p>20. Deeds, contracts, and instruments of every description relating to the administration of Aden.</p> <p>21. (a) Contracts for the purchase and supply of stores and building materials and for the provision of labour, also indentures to bind apprentices at the Mint for a definite term.<br/>         (b) Contracts for the sale of worn out stores and ashes and other waste products.<br/>         (c) Agreements with temporary establishments.</p> <p>22. Deeds, contracts, and instruments of every description not included in any of the foregoing articles.</p> <p>23. Agreements and deeds entered into with District Local Boards or Municipalities in respect of building grants made by Government to Veterinary Dispensaries.</p> <p>24. Contracts and other instruments relating to house building advances.</p> | <p>By the Director of Public Instruction, Bombay.</p> <p>By the local medical officers in charge of such hospitals, asylums, etc.</p> <p>By the Superintendent, Civil Veterinary Department.</p> <p>By the Political Resident, Aden.</p> <p style="margin-left: 20px;">} By the Mint Master, Bombay.</p> <p>In Sind, by the Commissioner in Sind.</p> <p>By the Director of Agriculture, Bombay, in the Presidency proper, and in Sind by the Commissioner in Sind.</p> <p>By the authorities granting the advances.</p> |
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O.—In the territories under the administration of the Government of Bengal, as regards contracts, etc., not hereinbefore specified :—

1. In the case of the Governor in Council—  
All deeds and instruments relating to matters other than those specified in heads 2 to 9.
  2. Contracts for supply of clothing, etc., for the police.
  3. Contracts for the supply of articles, etc., for the use of jails, or regarding the sale of articles manufactured in jails.
  4. Contracts for the supply of articles, and for repairing, cutting, etc., roads and canals.
  5. Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, etc.
  6. Contracts and other instruments in matters connected with the lease or sale of land.
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| <p>All deeds and instruments relating to matters other than those specified in heads 2 to 9.</p> <p>By a Secretary to Government.</p> <p>By the Commissioner of Police, Calcutta, and the Inspector-General of Police, Bengal.</p> <p>By the Inspector-General of Prisons, Bengal.</p> <p>By Collectors of Districts and Deputy Commissioners.</p> <p>By the local medical officers in charge of such hospitals, asylums, etc.</p> <p>By Collectors of Districts and Deputy Commissioners.</p> |
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| <p>7. (a) Contracts for the purchase and supply of stores and building materials and for the provision of labour; also indentures to bind apprentices at the Mint for a definite term.</p> <p>(b) Contracts for the sale of worn out stores and ashes and other waste products.</p> <p>(c) Agreements with temporary establishment.</p> <p>(d) Security bonds for the due performance of their duties by Government servants whom the Mint Masters have power to appoint.</p> | By the Mint Master, Calcutta.   |
| <p>8. Deeds, contracts, and instruments relating to salt revenue.</p>   |   |
| <p>9. Contracts and other instruments relating to house building advances.</p>  | By the Collectors of Customs, Calcutta and Chittagong, Collectors of Districts, and Deputy Commissioners. |
|   | By the authorities granting the advances  |

P.—In the territories under the administration of the Government of Bihar and Orissa, as regards contracts, etc., not hereinbefore specified :—

1. In the case of Lieutenant-Governor in Council—
 

<p>All deeds and instruments relating to matters, other than those specified in heads 2 to 9.</p>	By a Secretary to Government.
<p>2. Contracts and other instruments in matters connected with the lease of land—</p> <p>(a) If the lease be permanent . . . . .</p> <p>(b) If otherwise . . . . .</p>	By Collectors and Deputy Commissioners By Settlement Officers, Collectors, Deputy Commissioners, and Sub-divisional Officers.
<p>3. (a) Contracts and other instruments in matters connected with the hire or purchase of land or buildings or with the sale of Government land or with the lease or sale of Government buildings, or with prospecting and exploring licenses and mining leases.</p> <p>(b) Contracts, instruments, and engagements specified above when the value or amount of such contract, instrument or engagement does not exceed Rs. 500.</p>	By Collectors and Deputy Commissioners.  By Assistant Commissioners, Joint Magistrates, and Sub-divisional Officers.
<p>4. Contracts and other instruments not included in article 3 in matters connected with the lease of ferries, fisheries, and other benefits arising out of land.</p>	By Collectors, Deputy Commissioners, and Sub-divisional Officers.
<p>5. Contracts for the supply of articles required for the use of any Department or for the sale of articles produced or manufactured by the Department, and other instruments connected with the administration of the Department.</p>	By the Head of the Department, except contracts for the sale of jail produce which may be executed either by the Inspector-General of Prisons, or by the Superintendent of the Jail concerned.
<p>6. Contracts and other instruments not included in article 3 for the sale, purchase, supply, carriage or conveyance of stores and building materials and for the provision of labour and for the execution of public works not executed by the Public Works Department and such like engagements.</p>	By Collectors and Deputy Commissioners.

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| 7. Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, etc. | By the local medical officers in charge of such hospitals, asylums, etc.    |
| 8. Deeds, contracts, and instruments relating to Salt Revenue.   | By Collectors of Customs, Collectors of Districts and Deputy Commissioners. |
| 9. Contracts and other instruments relating to house building advances.                                    | By the authorities granting the advances.                                   |

**Q.—**In the territories under the administration of the Government of the United Provinces of Agra and Oudh, as regards contracts, etc., not hereinbefore specified :—

1. In the case of the Lieutenant-Governor—

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| All deeds and instruments relating to matters, other than those specified in heads 2 to 5.   | By a Secretary to Government.  |
| 2. (a) Contracts and other instruments for sums not exceeding Rs. 2,000, except those which affect real estate.                                  | By all Heads of Departments.   |
| (b) Conveyance deeds for the purchase of land which Conservators of Forests are authorised to buy for forest purposes up to a cost of Rs. 2,000. | By Conservators of Forests.  |
| 3. Contracts and other instruments at present executed by Collectors, Deputy Commissioners, and Deputy Collectors.                               | By Collectors and Deputy Commissioners.  |
| 4. Contracts and other instruments for a sum not exceeding Rs. 500, and not affecting real estate.   | By subordinate officers appointed by Heads of Departments with the approval of the Local Government. |
| 5. Contracts and other instruments relating to house building advances.  | By the authorities granting the advances.  |

**R.—**In the territories under the administration of the Government of the Punjab, as regards contracts, etc., not hereinbefore specified :—

1. In the case of the Lieutenant-Governor—

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| All deeds and instruments relating to matters, other than those specified in heads 2 to 4 and 6 to 8.  | By a Secretary to Government.                             |
| 2. Contracts and other instruments connected with ferries, dues for grazing cattle on places other than canal banks, fisheries, <i>nazul</i> buildings, spontaneous products and minerals, execution of minor works not under the Public Works Department, and the supply of necessaries for depôts. | By Deputy Commissioners.                                  |
| 3. Contracts and other instruments in matters connected with the lease or sale of land.  |   |
| 4. Contracts relating to any matter falling within their ordinary jurisdiction.  |   |
| 5. (a) Instruments of free grant of proprietary right in land.<br>(b) Instruments whereby property is mortgaged to the Government as security for a loan.<br>(c) Instruments of exchange of land   | By a Secretary to Government and by Deputy Commissioners. |

## 112 GENERAL STATUTORY RULES AND ORDERS. [PART I.]

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| 6. Contracts for the supply of clothing, etc., for the police.   | By the Inspector-General of Police.       |
| 7. Contracts for the supply of articles for use in jails, or regarding the sale of articles manufactured in jails. | By the Inspector-General of Prisons.      |
| 8. Contracts and other instruments relating to house building advances.  | By the authorities granting the advances. |

S.—In the territories under the administration of the Government of Burma, as regards contracts, etc., not hereinbefore specified :—

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| 1. Contracts, etc., relating to matters connected with their Departments other than contracts the execution of which has been specially reserved for the Local Government. | By all Heads of Departments and such of their subordinates as have been empowered by the Local Government in this behalf to such extent and within such limits as may have been prescribed by notification in the Burma Gazette or otherwise. |
| 2. Contracts, etc., relating to any matter falling within their jurisdiction in which they are authorized to pass orders which are final subject to appeal and revision.   | By Deputy Commissioners, Sub-divisional Officers and Township Officers, Collectors and Assistant Collectors.  |
| 3. In the case of other instruments . . .  | By a Secretary to Government.   |

T.—In the territories under the administration of the Chief Commissioner of the Central Provinces, as regards contracts, etc., not hereinbefore specified :—

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| 1. In the case of the Chief Commissioner—<br>All deeds and instruments relating to matters, other than those specified in heads 2 to 8.   | By a Secretary to the Chief Commissioner. |
| 2. Contracts and other instruments in matters connected with the lease or sale of land.   | By Deputy Commissioners.                  |
| 3. Contracts relating to any matter falling within their ordinary jurisdiction.   | By Deputy Commissioners.                  |
| 4. Contracts for the supply of kit, accoutrements and other articles for the Police Department.   | By the Inspector-General of Police.       |
| 5. Contracts and other instruments for the purchase, supply, conveyance or carriage of building materials and the provision of labour for execution of minor works not under the Public Works Department. | By the District Superintendent of Police. |
| 6. Security bonds for the due performance and completion of minor works.  | By the District Superintendent of Police. |
| 7. Contracts and other instruments relating to matters connected with their respective Departments.   | By all Heads of Departments.              |
| 8. Contracts and other instruments relating to house building advances.   | By the authorities granting the advances. |

U.—In the territories under the administration of the Chief Commissioner of Assam, as regards contracts, etc., not hereinbefore specified :—

1. In the case of the Chief Commissioner—

All deeds and instruments relating to matters other than those specified in heads 2 to 9. By a Secretary to the Chief Commissioner.

2. Contracts and other instruments in matters connected with the lease of land—

(a) If the lease be permanent . . . . . By Deputy Commissioners.

(b) If otherwise . . . . . By Settlement Officers, Deputy Commissioners, and Sub-divisional Officers.

3. (a) Contracts and other instruments in matters connected with the hire or purchase of land or buildings or with the sale of Government land or with the lease or sale of Government buildings, or with prospecting and exploring licenses and mining leases.

(b) Contracts, instruments, and engagements specified above when the value or amount of such contract, instrument or engagement does not exceed Rs. 500. By Assistant Commissioners and Sub-divisional Officers.

4. Contracts and other instruments not included in article 3 in matters connected with the lease of ferries, fisheries, and other benefits arising out of land.

By Deputy Commissioners and Sub-divisional Officers.

5. Contracts for the supply of articles required for the use of any Department or for the sale of articles produced or manufactured by the Department, and other instruments connected with the administration of the Department.

By the Head of the Department.

6. Contracts and other instruments not included in article 3 for the sale, purchase, supply, carriage or conveyance of stores and building materials and for the provision of labour and for the execution of Public Works not executed by the Public Works Department and such like engagements.

By Deputy Commissioners.

7. Contracts for the supply of articles procured in the local markets for hospitals, lunatic asylums, etc.

By the local medical officers in charge of such hospitals, asylums, etc.

8. Deeds, contracts, and instruments relating to Salt Revenue.

By Deputy Commissioners.

9. Contracts and other instruments relating to house building advances.

By the authorities granting the advances.

V.—In the case of the Chief Commissioner of Coorg :—

As regards contracts, etc., not hereinbefore specified. By his Secretary.

W.—In the case of the territories administered by the Agent to the Governor General and Chief Commissioner, North-West Frontier Province, as regards contracts, etc., not hereinbefore specified :—

1. All deeds and instruments relating to matters other than those specified in heads 2 to 7. By the Secretary to the Agent to the Governor General and Chief Commissioner.
2. Contracts and other instruments for the supply of stores, clothing, etc. By Heads of Departments concerned.
3. Contracts and other instruments relating to matters connected with their respective Departments. By all Heads of Departments.
4. Contracts and other instruments connected with the lease or sale of land, or whereby land is mortgaged to Government in security for a loan; and contracts and instruments relating to any matter falling within their ordinary jurisdiction, including the execution of civil works not under the Public Works Department. By Political Agents and Deputy Commissioners.
5. Sanads—
  - (a) containing or conferring exemption from payment of land revenue.
  - (b) containing or confirming any pension or grant of money connected with the land revenue.
  - (c) contracts and instruments relating to any matter falling within the jurisdiction of the Settlement Department.
} By the Revenue Commissioner.
6. Agreements for the recovery of advances under the Land Improvement Loans Act, XIX of 1883, and the Agriculturists' Loans Act, XII of 1884. By District Officers.
7. Contracts and other instruments relating to house building advances. By the authorities granting the advances.

X.—In the territories under the administration of the Chief Commissioner of Delhi, as regards contracts, etc., not hereinbefore specified :—

1. In the case of the Chief Commissioner—
  - All deeds and instruments relating to matters other than those specified in heads 2 to 8. By the Personal Assistant to Chief Commissioner.
2. Contracts and other instruments connected with ferries, dues for grazing cattle on places other than canal banks, fisheries, *nazul* buildings, spontaneous products and minerals, execution of minor works not under the Public Works Department, and the supply of necessaries for depôts. } By the Deputy Commissioner.
3. Contracts and other instruments in matters connected with the lease or sale of land. }
4. Contracts relating to any matter falling within his ordinary jurisdiction.
5. (a) Instruments of free grant of proprietary right in land.  
 (b) Instruments whereby property is mortgaged to the Government as security for a loan.  
 (c) Instruments of exchange of land. }

- 6. Contracts for the supply of clothing, etc., for the police. By the Chief Commissioner.
- 7. Contracts for the supply of articles for use in jails, or regarding the sale of articles manufactured in jails. By the Inspector-General of Prisons, Punjab.
- 8. Contracts and other instruments relating to house building advances. By the authorities granting the advances.

**Y.—In British Baluchistan and the territories administered by the Agent to the Governor General in Baluchistan as such Agent, as regards contracts, etc., not hereinbefore specified :—**

- 1. All deeds and instruments relating to matters other than those specified in heads 2 to 6. By the First Assistant to the Agent to the Governor General and Chief Commissioner.
- 2. Contracts and other instruments for the supply of stores, clothing, etc. By Heads of Departments concerned.
- 3. Contracts and other instruments relating to matters connected with their respective Departments (including mining leases). By all Heads of Departments.
- 4. Contracts and other instruments connected with the lease or sale of land, other than mining leases, or whereby land is mortgaged to Government in security for a loan, and contracts and instruments relating to any matter falling within their ordinary jurisdiction, including the execution of civil works not under the Public Works Department. By Political Agents and Deputy Commissioners.
- 5. **Sanads—**
  - (a) containing or conferring exemption from payment of land revenue.
  - (b) containing or confirming any pension or grant of money connected with the land revenue.
  - (c) contracts and instruments relating to any matter falling within the jurisdiction of the Settlement Department.
} By the Revenue Commissioner.
- 6. Contracts and other instruments relating to house building advances. By the authorities granting the advances.

[See Gazette of India, 1913, Supplement, p. 1195.]

#### THE ROYAL TITLES ACT, 1875 (39 & 40 VICT., c. 10).

##### Alteration and Additions to Royal Style and Titles.

*Proclamation by Her Majesty the Queen, dated April 28th, 1876.*

*Victoria R.—Whereas an Act has been passed in the present session of Parliament, intituled “An Act to enable Her Most Gracious Majesty to make an addition to the Royal style and titles appertaining to the Imperial Crown of the United Kingdom and its dependencies,”<sup>1</sup> which*

<sup>1</sup> The Royal Titles Act, 1876 (39 & 40 Vict., c. 10), Collection of Statutes relating to India, Vol. I.

Act recites that, by the Act for the union of Great Britain and Ireland, it was provided that after such union the royal style and titles appertaining to the Imperial Crown of the United Kingdom and its dependencies should be such as His Majesty by His royal proclamation under the Great Seal of the United Kingdom should be pleased to appoint: and which Act also recites that, by virtue of the said Act and of a royal proclamation under the Great Seal dated the 1st day of January, 1801, Our present style and titles are " Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith," and which Act also recites that, by the Act for the better government of India, it was enacted that the Government of India, theretofore vested in the East India Company in trust for Us, should become vested in Us, and that India should thenceforth be governed by Us and in Our name, and that it is expedient that there should be a recognition of the transfer of government so made by means of an addition to be made to Our style and titles: and which Act, after the said recitals, enacts that it shall be lawful for Us, with a view to such recognition as aforesaid of the transfer of the Government of India, by Our royal proclamation under the Great Seal of the United Kingdom, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies as to Us may seem meet; We have thought fit, by and with the advice of Our Privy Council, to appoint and declare, and We do hereby, by and with the said advice, appoint and declare that henceforth, so far as conveniently may be, on all occasions and in all instruments wherein Our style and titles are used, save and except all charters, commissions, letters, grants, writs, appointments, and other like instruments not extending in their operation beyond the United Kingdom, the following addition shall be made to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its dependencies; that is to say, in the Latin tongue in these words " Indiæ Imperatrix;" and in the English tongue in these words " Empress of India."

And Our will and pleasure further is, that the said addition shall not be made in commissions, charters, letters patent, grants, writs, appointments, and other like instruments hereinbefore specially excepted.

And Our will and pleasure further is, that all gold, silver, and copper moneys, now current and lawful moneys of the United Kingdom, and all gold, silver, and copper moneys which shall, on or after this day, be coined by Our authority with the like impressions, shall, notwithstanding such addition to Our style and titles, be deemed and taken to be current and lawful moneys of the said United Kingdom, and further that all money coined for and issued in any of the dependencies of the said United Kingdom, and declared by Our proclamation to be current and lawful money of such dependencies, respectively bearing Our style or titles, or any part or parts thereof, and all moneys which shall hereafter be coined and issued according to such proclamation, shall, notwithstanding such addition, continue to be lawful and current money of such dependencies, respectively, until Our pleasure shall be further declared thereupon.

Given at our Court at Windsor, the twenty-eighth day of April, one thousand eight hundred and seventy-six in the thirty-ninth year of Our reign.

GOD SAVE THE QUEEN.

[See Statutory Rules and Orders Revised, Volume I, p. 32.]

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THE INDIAN SALARIES AND ALLOWANCES ACT, 1880 (43 VICT., c. 3).

**Voyage and equipment allowances of the Governor General, etc.**

*Rules dated the 3rd January, 1888, made under the Statute 43 Vict., c. 3, by the Secretary of State for India in Council, fixing the allowances for Equipment and Voyage of the Governor General of India, Members of Council of the Governor General of India, Governors of Madras and Bombay, Commanders-in-Chief of the Forces in India, Commanders-in-Chief of Madras and Bombay, Bishops of Calcutta, Madras and Bombay.*

I.

1. The allowance for the equipment of the voyage of a Governor General of India, resident in Europe at the time of his appointment, is fixed at £3,500.

2. Except as declared in these rules, Government will make no arrangements for, and will defray none of the expenses connected with, the conveyance or passage of a Governor General, his family or suite, to or from India.

3. A newly appointed Governor General proceeding to India from Europe to enter upon his office may be accompanied by three combatant military officers for his personal staff, the expenses of whose passage will be defrayed by Government according to the rules in force in the Military Department as to military officers proceeding to India on duty.

4. For an ex-Governor-General returning to Europe, on resignation, a steamer belonging to the Indian Marine Service will (if consistent with the requirements of the public service) be gratuitously provided, to convey him and his family and suite to Suez; but the homeward voyage of the ship thus provided shall not be continued beyond Suez. The ex-Governor General will bear the costs of entertainment and messing incurred while on board, in respect of himself and his party, according to the rules in force relating to the conveyance of passengers in Indian Marine troopships.

5. No grant from Indian revenues will be made to any ex-Governor General for his homeward journey from Suez.

6. An ex-Governor General returning to Europe may be accompanied by two officers of his personal staff, for whom free passages to England will be allowed according to the rules in the Military

Department, and also free return passages to India, if they start on their return voyage within two months from the date of quitting India.

7. In the event of a Governor General dying and leaving a widow in India, a steamer belonging to the Indian Marine Service will (if consistent with the requirements of the public service) be provided to convey her to Suez in like manner as in the case of an ex-Governor General. The widow of a deceased Governor General so returning to Europe may be accompanied by one officer of the personal staff, on the conditions mentioned in the preceding rule, and shall bear all such expenses as would, in ordinary course, be borne by an ex-Governor General returning to Europe.

## II.

8. The allowances for equipment and voyage of the Governors of Madras and Bombay, the Commanders-in-Chief of the Forces in India, of Madras, and of Bombay, if resident in Europe at the time of appointment respectively, are fixed as follows:—

	£
The Governor of Madras . . . . .	1,000
The Governor of Bombay . . . . .	1,000
The Commander-in-Chief of the Forces in India . . . . .	500
The Commander-in-Chief, Madras . . . . .	500
The Commander-in-Chief, Bombay . . . . .	500

9. A Commander-in-Chief of the Forces in India proceeding from Europe to assume his command may be accompanied by three combatant military officers for his personal staff, and newly-appointed Governors of Madras and of Bombay, and Commanders-in-Chief of Madras and of Bombay similarly proceeding from Europe to take up their duties, may respectively be accompanied by two combatant military officers for their personal staff, the passages of these officers being provided at the expense of the Government according to the rules in force in the Military Department as to military officers proceeding to India on duty; but with these exceptions, Government will make no arrangements for, and will defray none of the expenses connected with, the passage or conveyance of any of the officers mentioned in rule 8, or of their families, to or from India.

10. An ex-Governor of Madras or Bombay, or an ex-Commander-in-Chief of the Forces in India, or of Madras or Bombay (or the widow of a Governor or of a Commander-in-Chief who may die in India leaving a widow there), returning to Europe may be accompanied by one officer of his personal staff, for whom a free passage will be allowed by Government according to the rules in force in the Military Department, and also a free return passage if he starts on the return voyage within two months from the date of quitting India.

## III.

11. The allowances for equipment and voyage of Members of the Council of the Governor General of India, and of Bishops of Calcutta,

of Madras, and of Bombay, if resident in Europe at the time of appointment respectively, are fixed as follows:—

	£
Members of the Council of the Governor General of India . . . . .	300
The Bishop of Calcutta . . . . .	300
The Bishop of Madras . . . . .	300
The Bishop of Bombay . . . . .	300

12. An officer of any of the Indian Services, temporarily residing in Europe, or a military officer transferred from one superior command in India to another during temporary residence out of India, shall not be deemed to be resident in Europe at the time of appointment, within the meaning of rule 8 or rule 11.

[See Statutory Rules and Orders Revised, Vol. IV, p. 80.]

#### ARMY ACT (44 & 45 VICT., c. 58).

##### MILITARY PRISONS IN CANTONMENTS, ETC.

No. 488, dated the 7th September, 1883.—In exercise of the power conferred by section 133 of the Army Act, 1881,<sup>1</sup> the Governor General <sup>44 & 45</sup> of India in Council is pleased to set apart the buildings, or parts of <sup>Vict., c. 58</sup> buildings, at the stations, as hereinafter detailed, as part of the military prisons at those stations, and they are hereby declared to be part of such military prisons, *viz.*,—

*Agra*.—The three rooms on the north end of No. 10 Barrack, European Infantry Lines.

*Allahabad*.—The room on the ground floor of No. 2 Block of the station hospital in the European Infantry Lines situated between the reading-room and the purveyor's store-room.

*Dugshai*.—The two wards at the east end of the male hospital, British Infantry Lines.

*Fort William*.—The east room on the ground floor of the station hospital.

*Fortress Gwalior*.—The room at present used as an ophthalmic ward on the lower floor of the central portion of the garrison hospital.

*Mean Meer*.—The two small rooms at the south end of the north wing of the station hospital.

*Sialkot*.—The west part of No. 5 ward of the left wing of No. 2 men's hospital (station hospital).

*Peshawar*.—The north end of the large ward in Block 35, East hospital.

*Saugor*.—No. 16, quarter guard room, Royal Artillery.

[See Gazette of India, 1883, Pt. I, p. 373.]

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

*No. 156, dated the 21st March, 1884.*—In continuation of G. G. O. No. 488 of 1883, the Governor General of India in Council, in exercise of the powers conferred by section 133 of the <sup>1</sup> Army Act, 1881, is pleased to set apart the buildings or parts of buildings at the stations as herein-after detailed as part of the Military Prisons at those stations, and they are hereby declared to be part of such Military Prisons, namely,—

*Bangalore.*—One cell-ward and guard-room at the southern end of the north wing, and one cell-ward at the northern end of the south wing of the south station hospital.

*Madras.*—The two wards on the ground-floor adjoining and to the north of the guard-room situated in the east wing of the station hospital.

*Secunderabad.*—The room at the southern end of the detached building situated at the west gate of the south station hospital formerly used as a guard-room.

*Aden.*—The northern ward main block of the station hospital.

[See Gazette of India, 1884, Pt. I., p. 128.]

#### **Revised Rules for Military Prisons and Detention Barracks in India.**

*No. 921, dated the 20th November, 1908.*—The following revised Rules for Military Prisons and Detention Barracks in India, 1908, are published for general information:—

#### *Rules for Military Prisons and Detention Barracks in India, 1908.*

In exercise of the power conferred by section 133 of the Army Act (44 & 45 Vict., c. 58), and in supersession of all rules previously issued thereunder, the Governor General of India in Council is pleased to make the following rules for Military Prisons and Detention Barracks in India:—

#### *Control and General Management.*

1. Military Prisons and Detention Barracks established in India under the Army Act are under the control of the Government of India.
2. Military Prisons and Detention Barracks are under the command of the General Officer Commanding the Division or Brigade, who will inspect them from time to time.
3. The Officer Commanding the Station where the prison or detention barrack is situated, hereinafter referred to as “the officer commanding,” shall, subject to the orders of the General Officer Commanding the Division or Brigade, have the general management of the prison or detention barrack in all matters relating to discipline, labour, expenditure, punishment and control; and he shall by careful inspection of the reports,

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

as well as by his own occasional visits, ensure that the discipline of the prison or detention barrack is strictly maintained.

4. The Deputy Assistant Adjutant-General of the division, or the Brigade Major of the brigade or the Station Staff Officer of the station, as the case may be, shall examine the accounts of the prison or detention barrack at the end of each month, and shall submit a statement of receipts and expenditure to the officer commanding, for countersignature and transmission to the Accounts Department for audit and payment.

#### *Discipline and Training.*

5. The discipline should be the strictest military discipline, with the prescribed restraints to enforce the punishments awarded.

6. The military, educational, and physical training shall be such as to keep the trained soldier efficient, and to give elementary training to untrained men, or deserters who have been away for long periods.

#### *Staff.*

7. The conditions of service and entry are contained in A. R. I., Vol. II. Specially selected non-commissioned officers, from the roll kept by the Adjutant-General in India, are appointed on probation for three months. If not found suitable, they will return to their Corps.

#### *Visitors.*

8. An officer, not below the rank of Field Officer, if possible, shall be detailed weekly by the General Officer Commanding, or Officer Commanding the Station, as Military Prison or Detention Barrack Visitor.

He shall visit the prison or detention barrack daily. He shall see all the soldiers under sentence, and ascertain if they have any complaints, and inquire into them, and report direct to the Officer Commanding. He shall pay particular attention to the discipline and military training of soldiers under sentence, and also to their bearing and personal appearance. Complaints of soldiers under sentence may be heard in private.

9. The Visitor shall also inspect the prison or detention barrack throughout, examine all books, and see that they are correctly kept and up-to-date. He shall frequently inspect the Stage System of Registration and will exercise a constant check on the marks awarded. He shall inspect the diets of soldiers under sentence, and shall dispose of all offences committed by such soldiers; and shall also deal with charges, if any, against members of the Staff. In cases of drunkenness, or disgraceful conduct, he shall place the members of the Staff under arrest; and report the cases to the Officer Commanding.

10. Should any abuses in connection with the prison or detention barrack come to the knowledge of the Visitor, he shall take care that such abuses are reported immediately to the Officer Commanding.

11. The Visitor shall make a report to the Officer Commanding at the expiration of his week of duty; in which he shall certify that he has performed the Visitor's duties.

12. The Visitor for the first week in each month shall also make a report of all buildings, property and stores of the prison or detention barrack that may require repair or renewal (including the regimental clothing and necessaries of soldiers under sentence referred to in rule 139). This report shall be dealt with by the Officer Commanding so far as his powers of expenditure will allow; any other points being submitted for the orders of the competent financial authority.

13. The weekly Visitor shall annex to the report regarding his duties a nominal list of soldiers under sentence who are to be discharged from the prison or detention barrack within the twenty-eight days following the expiration of his term of duty, specifying the day and hour in each case, in order that arrangements may be made for the removal of such soldiers, and, if necessary, for the reception of other soldiers under sentence.

14. The weekly Visitor may, on the recommendation of the medical officer, increase the diet of a soldier under sentence.

15. As many Visitors as may be convenient shall be appointed for each prison or detention barrack by the General Officer Commanding, or Officer Commanding the Station in which such prison or detention barrack is situated, provided that such Visitors must be commissioned officers. From among the Visitors so appointed one shall be the weekly Visitor mentioned in paragraph 8; but any Visitor, not being the weekly Visitor, also the Medical Officer for the time being in charge of the station hospital who shall be an *ex-officio* Visitor, may visit and inspect the prison or detention barrack at any time.

#### *Boards of Visitors.*

16. For the purposes of performing the duties imposed on a Board of Visitors as hereinafter provided, three Visitors shall constitute a board.

#### *Superintendent.*

17. The Superintendent shall reside in the place appointed.

18. The Superintendent shall strictly conform to the law relating to the Military Prisons and Detention Barracks and to the Military Prison and Detention Barrack Regulations, and shall be responsible for the due observance of them by others. He shall observe the conduct of the members of the staff, and enforce on each of them the due execution of his duties, and shall not permit any member of the Staff to be employed in any private capacity, either for any other officer of the prison or detention barrack, or for any soldier under sentence.~

19. He shall exercise his authority with firmness, temper, and humanity, and shall abstain from all irritating language, or unnecessary violence. He shall enforce similar conduct on the Staff. He shall

always bear in mind that the chief object of establishing a detention barrack for military offenders is to maintain discipline in the Army, and to repress the repetition of military offences; and as punishment alone can hardly be expected to produce this effect, he shall consider it his duty to endeavour to instil soldier-like and moral principles into the mind of every soldier under sentence, letting him see that he takes an interest in his welfare, and by his good advice and kindly admonition, endeavouring to convince him of his error, and to encourage him to aim at future good conduct, and the attainment of a respectable character in the service.

20. Bearing in mind that the soldiers are, in most cases, to return to the colours on release, and that they should be fit at once to resume their places in the ranks, the Superintendent will pay special attention not only to the discipline and military training of such soldiers, but also to their bearing and personal appearance.

21. The Superintendent will himself, once each day, parade and carefully inspect all such soldiers, and will cause members of the Staff in charge of Wards or parties to inspect them every time they parade for drill, exercise, or work out of their rooms, and to require a high standard of cleanliness and neatness in regard to their persons, clothing, etc., etc.

22. The Superintendent shall, as far as practicable, visit the whole of the prison or detention barrack and see every soldier under sentence once at least in every 24 hours, and, in default of such daily visits and inspections, he shall state in his journal how far he has omitted them, and the cause of such omission. He shall, at least once during the week, go through the prison or detention barrack at an uncertain hour of the night, and record in his journal the hour of the visit, and the state of the prison or detention barrack at the time.

23. He shall cause an abstract of the regulations relating to the treatment and conduct of soldiers under sentence, with a copy of the dietaries for prison or detention barrack (printed in legible characters), to be posted in each room.

24. He shall take an early opportunity of seeing all soldiers after their admission, and satisfying himself that they understand the rules and regulations to which they are required to conform, and the privileges they may gain by industry and good conduct.

25. He shall, without delay, call the attention of the Medical Officer to any soldier under sentence whose state of mind or body appears to require attention, and shall carry into effect the written directions of the Medical Officer respecting alterations of the discipline or treatment of any such soldier.

26. He shall also deliver to the Medical Officer daily a list of such soldiers under sentence as complain of illness; or are removed to the hospital, or confined to their rooms by illness; and shall, every day, furnish to the Chaplain and Medical Officer lists of soldiers who are under punishment.

27. Upon the death of a soldier under sentence, the Superintendent shall give immediate notice thereof to the Officer Commanding and to the Medical Officer.

28. In case of the death, arrest or temporary absence of any member of the Staff, the Superintendent shall make such temporary arrangement for the duties as may be required. If the services of a substitute be necessary to enable the duties of the prison or detention barrack to be carried on, he may apply to the Officer Commanding to detail a non-commissioned officer to fill the vacant office until a permanent appointment shall be made, or the absent member of the Staff returns to duty.

29. The Superintendent shall keep such records and books as may be from time to time directed.

30. He shall be responsible for the safe custody of the journals, registers, books, commitments, and all other documents confided to his care.

31. The Superintendent shall, once at least in each quarter of a year, lay his journal before the Officer Commanding, at such time as he may appoint, and shall be signed by him in proof of the same having been produced.

32. He shall take care that the work of all the soldiers under sentence is made use of to the best advantage of the public service, and shall promote the useful employment and the military and industrial training of such soldiers. He shall not employ, or allow to be employed, any soldier under sentence in any private work whatever, for himself or for any member of the Staff.

33. The Superintendent shall not, except from unavoidable necessity, be absent from his quarters for a night without permission, in writing, from the Officer Commanding. Any leave of absence granted to him shall be entered in his journal. If absent without leave for a night from unavoidable necessity, he shall state the fact and the cause of it in his journal.

34. Leave of absence, to the extent of ten days, may, in cases of emergency, be granted by the Officer Commanding the station at which the prison or detention barrack is situated.

35. When the Superintendent is temporarily absent on leave, or his services are not available, by reason of sickness, or other unavoidable cause, a member of the Staff shall be appointed to act as his substitute; and, during such absence, the substitute so appointed shall have such of the powers, and perform such duties of the Superintendent, as may be confided to him.

36. The Superintendent shall not allow any person to view the Military Prison or Detention Barrack except as provided by Statute, or with an order from the proper authority, or by persons authorised according to instructions which may be issued from time to time, care being taken that no Visitor holds any communication with any soldier under sentence unless duly authorised to do so.

37. He shall submit to the Officer Commanding, half-yearly, a special report on the conduct and capabilities of the Staff of the prison or detention barrack. In this report he will particularly specify whether each individual is zealous and attentive to his duties and competent to the discharge of them, and if especially qualified for promotion. In case of repeated neglect or misconduct, on the part of any member of the Staff, he will make such representation thereon as may assist in deciding on the propriety of removing such member from the establishment, or otherwise.

38. He shall keep a record of the reports against the Staff, with the punishments awarded, and of any other circumstances respecting them which it may be desirable to place on record.

39. He shall take care that the instructions for the guidance of the Staff are read to each member on joining, and once a quarter on parade.

40. In case the Medical Officer shall order any soldier under sentence to be removed from the prison or detention barrack to the hospital, the Superintendent shall take immediate steps with a view to the said order being carried into effect, or to notify it, if necessary, to the Officer Commanding, in order that he may give an order for such removal, and for the safe custody of the soldier under sentence while in hospital. In cases of emergency he will act on his own responsibility in directing the immediate removal of a soldier under sentence to the hospital. In such case he will take the necessary steps for the safe custody of the soldier until he is in hospital.

41. He shall carry into effect the written directions of the Medical Officer for separating soldiers under sentence labouring under infectious or contagious diseases, or suspected thereof, and shall take steps for the cleansing and disinfecting of the prison or detention barrack, or any part of it, and for cleansing, disinfecting, or, if necessary, destroying any clothing or bedding; and shall immediately apply to the proper department to disinfect and lime-wash any apartments occupied by such soldiers; and to fumigate or destroy any foul or suspected apparel or bedding.

42. He shall pay attention to the ventilation, drainage, and sanitary condition of the prison or detention barrack, and take such measures as may be necessary for their being maintained in perfect order.

43. The Superintendent is responsible for the proper preparation and cooking of the food of soldiers under sentence and for the cleanliness of the kitchen, and all utensils in use. He will daily prepare a statement of diets, and will see that the measuring or weighing of the provisions to be served out at each meal is as exact as possible.

44. The Superintendent shall regularly attend Divine Service, inserting in his journal any omission, and the cause thereof, and shall see that members of the Staff also attend, unless prevented by illness, or excused by leave of absence or by duty.

45. He shall, at least once in each day, visit every soldier who is under punishment, and shall see that every such soldier is visited during the day at intervals of not more than three hours by the appointed member of the Staff.

46. He shall take care that every soldier under sentence having a complaint to make or request to prefer to him should have ample facilities for doing so, and he shall redress any grievance or take such steps as may seem necessary, recording the same in the appointed manner.

47. He shall inform the Visitor of any report or complaint which any member of the Staff may desire to make, and shall on no account suppress it, but he may offer any explanation with it which it may seem to require.

48. He shall inform the Visitor of any soldier under sentence who desires to see him.

49. He shall enforce the observance of silence throughout the prison or detention barrack, and prevent all intercourse or communication between the soldiers, so far as the conduct of the business of the prison or detention barrack or the work of the soldiers under sentence will permit, and shall take care that all necessary and unavoidable intercourse or communication between them be conducted in such manner only as he shall direct.

50. He shall take care that no soldier under sentence is subjected to any punishment which the Medical Officer is not satisfied he is capable of undergoing.

51. He shall read every letter addressed to, or written by, a soldier under sentence, and he shall use his discretion in communicating to, or withholding from, a soldier under sentence, at any time, the contents of any letter addressed to such soldier; but every case in which he may think it proper to withhold the contents of a letter, or to withhold the letter itself on the release of the soldier, shall be noted in his journal. He may, on the written authority of a Visitor, communicate to a soldier under sentence, or to his friends, any matter of importance to such soldier, in case the soldier should not be entitled to write or receive a letter.

52. He shall make such arrangements as will ensure that soldiers to be discharged the service, who may be confined in a detention barrack, shall, as much as possible, be kept separate from the other soldiers under sentence.

53. He shall promote the utmost economy in every department, being careful to save all needless expense in the wear and tear and consumption of articles used in the prison or detention barrack.

54. In the event of any article, the property of the prison or detention barrack, being lost, or wilfully or through carelessness damaged, by a soldier under sentence, or in the event of any damage being committed by a soldier to his room, room furniture, or any part of the prison or detention barrack, the amount of such loss or damage shall be charged against the Officer Commanding his battery, squadron or company, who will recover such amount from the soldier on his return to his corps, by stoppage from his pay \*\*\*\*\* A list of the articles so lost or damaged

<sup>1</sup> The words "If money belonging to the soldier should be in the Superintendent's possession, the whole or any part of it shall be applied to making good such loss or damage on the part of the soldier, the deficiency only being then charged to the Officer Commanding his battery, squadron or company" were cancelled by Notification No. 539, dated 4th June, 1909. Gazette of India, 1909, Pt. I, p. 455.

shall be forwarded to the Examiner of Accounts concerned, and a duplicate of such list shall be forwarded to the paymaster of the corps to which the soldier belongs, or in the case of an artilleryman to the Officer Commanding the battery or company.

55. In the event of a guard being furnished specially for the prison or detention barrack, or of sentries being posted from another guard for the greater security of the prison or detention barrack, and to prevent escape, the Superintendent will inform the non-commissioned officer commanding it of his requirements as to the posting of sentries and the duties they will be required to perform, and if the guard is specially furnished for the prison or detention barrack, as to putting the whole or any part of his guard under arms in any part of the prison or detention barrack, during such time as he may deem necessary. In no case will he allow a sentry to be employed in the discipline of the prison or detention barrack, nor to hold any communication whatever with the soldier under sentence, and he will take care that in mounting sentries no facilities are afforded for a breach of these rules.

56. He shall notify to the Chaplain or the Visiting Minister of the religious denomination to which a soldier under sentence belongs any case in which the life of such soldier appears to be in danger.

57. He shall carry into effect the written directions of the Medical Officer for the supply of any additional articles which the Medical Officer may deem necessary in any particular case.

58. He shall be responsible that all members of the Staff of the prison or detention barrack under his control are thoroughly efficient in all their duties, and that the instructors in military training are thoroughly competent in every respect.

59. The Superintendent shall ascertain that the Staff and guard are all present, and shall cause the prison or detention barrack to be locked, and the keys of the outer gate delivered to him at 9 o'clock each night; and no ingress or egress shall be allowed into or out of the prison or detention barrack between that hour, and the hour at which it is opened in the morning, except to the Superintendent, Chaplain, or Medical Officer; or, in special cases, which shall be entered in the journal of the prison or detention barrack. Where the Superintendent resides outside the prison or detention barrack under the direction of the Officer Commanding, the duties imposed by this rule shall be performed by such member of the Staff as the Officer Commanding may appoint in this behalf.

60. He shall be present at all parades, supervise the discipline and military instruction, and visit all working parties daily. He will render a written report, showing the duties performed the previous day.

61. He shall detail all duties and parade, and inspect parties coming in or going out of the prison or detention barracks.

62. He shall be responsible that every man is employed in accordance with instructions issued, and that correct tasks are allotted to all soldiers under sentence, and shall supervise all routine.

63. He shall inspect the staff on coming on duty and before dismissal.

64. He shall parade and inspect all soldiers under sentence before release, to ensure that they go out clean and properly dressed.

*Medical Officer.*

65. The Medical Officer shall be appointed by the Officer Commanding.

66. The Medical Officer shall visit the prison or detention barrack daily, and shall see every soldier under sentence, including those under punishment, if any, and he shall visit daily, and oftener if necessary, such of the soldiers as are sick, and, when necessary, shall direct any soldier to be removed to the hospital.

67. He shall enter, in the English language, day by day in the diary of medical events, an account of the state of every sick soldier under sentence, the name of his disease, a description of the medicines and diet and any other treatment which he may order for such soldier.

68. He shall weekly inspect every part of the prison or detention barrack, and enter in the diary of medical events the result of each inspection, recording therein any observation he may think fit to make on any want of cleanliness, drainage, warmth, or ventilation, any bad quality of the provisions, any insufficiency of clothing or bedding, any deficiency in the quantity or defect in the quality of the water, or any other cause which may affect the health of the soldiers under sentence.

69. When the Medical Officer considers it necessary to apply any painful test to a soldier under sentence to detect malingering or otherwise, such test shall only be applied by authority of an order from the General Officer Commanding the Division or Brigade.

70. He shall medically examine every soldier under sentence on reception, and shall record his state of health and such other facts connected therewith as may be directed.

71. He shall report to the Officer Commanding the case of any soldier under sentence to which he may think it necessary on medical grounds to draw attention, and whenever he shall be of opinion that the life of any soldier under sentence is endangered by his continuance in prison or detention barrack, he shall state such opinion and the grounds thereof in writing to the Officer Commanding, who shall duly report the circumstances to higher authority.

72. He shall examine every soldier under sentence, and shall report if he is unfit to be kept at hard work or at any particular kind of work, and shall assist when called on in assigning the task of work according to the physical capacity of a soldier under sentence. He shall, from time to time, examine the soldiers during the time of their being employed at hard work, and shall report and enter in the diary of medical events the name of any soldier whose health he thinks to be endangered by a continuance at hard work of any particular kind and report the same to the Officer Commanding; and thereupon such soldier shall not again be employed at such work until the Medical Officer certifies that he is fit for such employment.

73. He shall report to the Officer Commanding any case in which the discipline or treatment seems likely to injure the health of any soldier under sentence, and the Officer Commanding shall issue such direction as the circumstances may require.

74. He shall keep such statistical records of the health of the soldiers under sentence and other returns or documents as may be directed.

75. He shall report periodically, as may be directed, on the general health and sanitary condition of the establishment, the health of the staff, their capability for performing their duties, the health of the soldiers under sentence, and in reference to any other point upon which he may be directed to report.

76. Whenever he has reason to believe that the mind of a soldier under sentence is, or is likely to be, injuriously affected by the discipline or treatment, he shall report the case in writing to the Visitor, together with such directions as he may think proper, and he shall call the attention of the Chaplain to any soldier who appears to require his special notice.

77. He may in any case of danger or difficulty which appears to him to require it call in additional medical assistance; and no serious operation shall be performed without a previous consultation being held with another medical practitioner, except under circumstances not admitting of delay, such circumstances to be recorded in the diary of medical events.

78. He shall, forthwith, on the death of any soldier under sentence, enter in the hospital admission and discharge book the following particulars, *viz.*, at what time the deceased was taken ill, when the illness was first communicated to the Medical Officer, the nature of the disease, when the soldier died, and an account of the appearances after death (in cases where a *post-mortem* examination is made), together with any special remarks that appear to him to be required.

79. He shall give directions, in writing, for immediately separating from the other soldiers under sentence any persons having, or suspected of having, infectious, contagious or epidemic diseases. In the event of an outbreak of epidemic disease, he shall at once make a special report to the Officer Commanding, and cause the apartments occupied by such persons, as well as any infected bedding or clothing to be cleansed, disinfected or otherwise treated as laid down in Army Regulations, India, Volume VI.

80. When artificial heat is applied in the prison or detention barrack, it will be his duty to regulate the temperature.

81. He shall, before a soldier is discharged from prison or detention barrack, examine him and enter the state of his health in his book, and communicate in writing, if necessary, any particulars of the man's case to the Medical Officer in charge of the hospital of the station he is going to. He shall examine every soldier under sentence about to be removed to another place of detention, and shall furnish a certificate stating whether the soldier is free from any malignant or infectious disease, and in a fit state to be removed.

82. He shall attend meetings of the Board of Visitors, if required, or whenever specially summoned by any of them.

*Chaplains.*

83. The duties of the Chaplains are detailed under the head of Religious Instruction, paragraphs 183 to 196.

*General Rules and Instructions for the Staff.*

84. No soldier under sentence shall be employed on any duties connected with discipline or in the service of any member of the Staff.

85. Members of the Staff shall strictly conform to, and obey the orders of, the Superintendent in every respect, and shall perform such duties as may, with the sanction of the Officer Commanding, be directed by the Superintendent.

86. Members of the Staff may examine all articles carried in or out of the prison or detention barrack, and may stop any person suspected of bringing in spirits or other prohibited articles into the prison or detention barrack, or of carrying out any property belonging to the prison or detention barrack, giving immediate notice thereof to the Superintendent.

87. No article, whether of food, bedding, clothing, or of any other kind shall be received into the prison or detention barrack until it has been examined, to ascertain that it contains nothing contrary to the rules of the Military Prisons and Detention Barracks; and the admission of any article which appears likely to be used for an improper purpose may be refused by order of the Superintendent.

88. Any person not being a member of the Staff shall not be permitted to enter the gates without an order from the Officer Commanding or other superior authority. Natives of India must be accompanied by a member of the Staff, and shall not hold any communication with a soldier under sentence.

89. No member of the Staff shall sell or let to, nor shall any person in trust for or employed by him sell or let to or derive any benefit from the selling or letting of any article to any soldier under sentence.

90. No member of the Staff shall, nor shall any person in trust for or employed by him, have any interest, direct or indirect, in any contract for supplies to the prison or detention barrack.

91. No member of the Staff shall at any time receive money, fee, or gratuity of any kind for the admission of any visitors to the prison or detention barrack or to soldiers under sentence, or from or on behalf of any soldier under sentence, on any pretext whatever.

92. Members of the Staff shall not be absent from the prison or detention barrack without leave from the Superintendent, and before absenting themselves, they shall leave their keys, books, and hand over their duties in due form.

93. All members of the Staff shall frequently examine the state of the rooms, bedding, locks, bolts, and shall seize all prohibited articles, and deliver them to the Superintendent forthwith.

94. No person shall be permitted to sleep in the apartments of any member of a prison or detention barrack staff without permission from the Superintendent, such permission to be reported to the weekly Visitor.

95. It is the duty of all members of the Staff to treat the soldiers under sentence with kindness and humanity, to listen patiently to and report their complaints or grievances, being firm at the same time in maintaining order and discipline, and enforcing complete observance of the rules and regulations of the prison or detention barrack.

96. Members of the Staff shall duly inform the Superintendent of any soldier under sentence who desires to see him, or to make any complaint, or to prefer any request to him or to any superior authority. Any neglect in carrying out this instruction will be most severely dealt with.

97. It shall be the duty of every member of the Staff to direct the attention of the Superintendent to any soldier under sentence who may appear to him not in health, though he may not complain; or whose state of mind may appear to him deserving of special notice and care, in order that the opinion and instructions of the Medical Officer may be taken on the case.

98. Members of the Staff shall abstain from using irritating language or gestures towards, and shall not strike a soldier under sentence unless compelled to do so in self-defence, and, in any case, in which the application of force to a soldier under sentence is needful, no more force than is necessary shall be used.

99. No member of the Staff, on any pretence whatever, through favour or mistaken notions of kindness, shall fail to make an immediate report to the Superintendent or other superior officer, of any misconduct or wilful disobedience of the prison and detention barrack regulations.

100. No member of the Staff shall unnecessarily converse with a soldier under sentence, nor allow any familiarity on the part of soldiers towards himself or any other member of the Staff; nor shall he on any account speak of his duties, or of any matters of discipline or prison or detention barrack arrangement, within the hearing of the soldiers under sentence.

101. No member of the Staff shall have any pecuniary dealing whatsoever with any soldier under sentence, or employ any soldier under sentence on his private account, nor shall he correspond with or hold any intercourse with the friends or relatives of any soldier under sentence, unless expressly authorized by proper authority; nor shall he make any unauthorized communications concerning the prison or detention barrack or soldier under sentence to any person whatever. He shall not, without authority, communicate to the public press, information derived from official sources or connected with his duties or the prison or detention barrack, and any such communication by a member of the Staff, without authority, will be regarded as a breach of confidence, and will render him liable to reversion to former unit.

102. All members of the Staff shall be careful not to allow any soldiers under sentence under their charge to be employed directly or indirectly, for the private benefit or advantage of any person or persons, or in any way not in conformity to the established regulations of the prison or detention barrack.

103. All members of the Staff will be held responsible for being fully acquainted with the rules and orders relating to their respective duties. They shall strictly conform to, and obey the orders of, the Superintendent in every respect. They shall assist him in maintaining order and discipline among the soldiers under sentence. For this end, punishment for prison and detention barrack offences must sometimes be resorted to upon their report; but good temper and good example on the part of the members of the Staff will have great influence in preventing the frequent recurrence of offences, and the necessity for such punishments.

104. No member of the Staff shall use tobacco, opium, or spirituous or fermented liquors within the walls of the prison or detention barrack, except under such restrictions as to time and place as may be laid down by the Officer Commanding and approved by the proper authority.

105. Every member of the Staff, who shall, contrary to orders, bring in or carry out, or endeavour to bring in or carry out, or knowingly allow to be brought in or carried out, to or for any soldier under sentence, any money, clothing, provisions, tobacco, letters, papers, or other articles whatsoever, shall be forthwith suspended from his office by the Superintendent of the prison or detention barrack, who shall report the offence to the proper authority.

106. Any member of the Staff may be placed at any time on a period of special probation by order of the General Officer Commanding the Division, for any reason which may seem to require such a course, and should he fail to improve or profit by such probation, he shall be returned to his former unit.

107. No member of the Staff shall follow any trade or business, or, without special permission, hold any office of a public character unconnected with the prison or detention barrack.

108. In appointing non-commissioned officers to prisons or detention barracks, those candidates will be preferred who, if equally eligible on other grounds, have a knowledge of a trade which can be followed in the prison or detention barrack; and all members of the Staff shall consider it a part of their engagement that they are to instruct soldiers under sentence in such trade, if called upon to do so.

109. All members of the Staff shall reside in the quarters provided for them, unless they shall have permission not to do so, in which case they may be required to reside within such distance from the prison or detention barrack as may be considered convenient.

110. Any temporary non-commissioned officers or soldiers, who may be detailed for service in the prison or detention barrack, shall attend during such hours as may be prescribed and perform such duties in connection with the prison or detention barrack as may be allotted to them. They shall obey such orders as they may receive from the Superintendent

or other member of the Staff, and they will strictly adhere to the rules and orders thereof.

111. Members of the Staff employed in charge of soldiers under sentence should strive to acquire a moral influence over them by performing their duties conscientiously, but without harshness. They should specially try to raise the mind of the soldier to a proper feeling of moral obligation by the example of their own uniform regard to truth and integrity, even in the smallest matters; such conduct will, in most cases, secure the respect and confidence of soldiers, and will make the duties of the Staff more satisfactory to themselves and more useful to the public.

112. Members of the Staff must understand that their prospects of promotion will depend on the report which their superiors may make as to their qualifications for, and their conduct in, the performance of their duties. Merit, and not favour, will thus be the ground of advancement.

113. The following offences may be disposed of by the Officer Commanding, but in cases in which the power of the Officer Commanding is not sufficient to deal adequately with the offence, a report shall be made to higher authority:—

Carelessness.

Neglect of duty.

Slovenliness.

Unpunctuality in attendance at the prison or detention barrack, or in the performance of duties.

Cursing, swearing, or using bad language.

Any other breach of rules not herein specially provided for.

Leaving a room door unlocked.

Sleeping on duty.

113a. The following offences will be at once reported to higher authority and will be considered to merit reversion to former unit:—

Disobedience of orders.

Insubordination.

Gross neglect, such as allowing a soldier under sentence to escape; leaving a room door unlocked, having been already guilty of the same offence; or other continued or repeated neglect of duty.

Gross or continued carelessness.

Holding familiar conversation with a soldier under sentence.

Absence without leave.

Repeated unpunctuality.

Conduct unbecoming the character of a member of the prison or detention barrack staff.

Trafficking with a soldier under sentence.

Introducing prohibited articles.

Employing a soldier under sentence to work for him.

Illtreating a soldier under sentence.

114. Offences or neglect of duty committed by warrant and non-commissioned officers shall be disposed of in accordance with the King's Regulations when not at variance with Army Regulations, India, Volume II, and the Army Act. Cases of serious neglect or violation of duty, or repeated misconduct, shall be reported at once to the General Officer Commanding the Division.

115. In the case of a member of the Staff being reported for drunkenness, a report will be at once made through the General Officer Commanding the division to the Adjutant-General in India.

116. Swearing and improper language, knowingly incurring debts which they are unable to pay, the habit of keeping bad company, gambling, or any disreputable conduct, will be considered a sufficient reason for the dismissal or reversion to former unit of a member of the Staff.

117. A member of the Staff will not be allowed to continue in office if there be reasonable ground to believe that he betrays the confidence placed in him by making any unauthorised communications concerning the prisons or detention barracks to the friends of soldiers under sentence or to any other person, or that he, by correspondence or otherwise, carries on communications prejudicial to the good order, discipline, and security of the prison or detention barrack.

118. All punishments awarded shall be recorded by the Officer Commanding as directed under the approved regulations.

119. Any member of the Staff having any complaint or request to make connected with his duty or position in the prison or detention barrack, must state the same respectfully to the Superintendent, in writing, if desired to do so, and may, if necessary, bring the complaint before the weekly Visitor, or appeal to higher authority. Should he, instead of pursuing the course above indicated, put forward such complaint or request in a manner prejudicial to good order or discipline, he will be liable to be dismissed, or reversion to former unit, or to be dealt with as the case may deserve. The Superintendent is to forward all complaints or reports made to any superior authority, but he is at liberty to offer any explanation which they may seem to require.

120. Members of the Staff must be careful to avoid any such discussion among themselves concerning occurrences or arrangements within the prison or detention barrack as might be prejudicial to the good order, security, and well being of the establishment.

121. All wrangling or discussion about private matters between the Staff, within the prison or detention barrack or elsewhere, while on duty, is strictly forbidden.

122. All communications must be made and transmitted through the proper channel.

123. No member of the Staff shall, on any account, enter a room of a soldier under sentence at night, unless accompanied by another member

of the Staff, and then only in case of the sickness of the soldier, or other emergency.

124. All members of the Staff, except those on night duty, are expected to be within their quarters at such time of night as may be directed from time to time, in order that their services may be available if required, and that they may be in a fit condition for duty on the following day.

125. No member of the Staff shall be absent during the appointed hours of attendance, or from any of the duties of the prison or detention barrack, without permission of the Superintendent.

126. Every member of the Staff shall, on being relieved from any particular duty, or transferred to another part of the prison or detention barrack, point out to his successor all matters of special importance connected with his duties, and explain any directions of the Visitor, Medical Officer or other superior officer, affecting any particular soldier under sentence.

127. A member of the Staff entrusted with keys must keep them carefully in his own possession, and shall not leave them lying about, nor lend them to any person on any pretence whatever.

128. When going off duty for the night, they will deliver over their keys according to instructions, having first seen the doors locked and all safe, and report to the Superintendent accordingly.

129. No member of the Staff shall be permitted to receive any visitors in the interior of the prison or detention barrack. And no member of the Staff occupying Government quarters shall permit any person, not being a regular member of his family, to remain for the night in such quarters without the permission of the Superintendent.

130. Members of the Staff are required to watch the soldiers under sentence in their various movements and employments throughout the day, and [ \* \* ] to use vigilance to prevent communication, by word or sign, between soldiers under sentence [ \* \* \* \* ] and vigilantly to watch over the soldiers throughout the night, in order to preserve silence and decorum.

131. Especial care must be taken that no ladders, planks, wheelbarrows, ropes, chains, implements, or materials of any kind likely to facilitate escape, are left carelessly exposed at any time in the yards or elsewhere. All such articles, when not in use, must be kept in their appointed places.

132. The utmost care should be taken by all persons connected with the prison or detention barrack to guard against accidents by fire from the lights, furnaces, etc., in and about the prison or detention barrack; it is their duty immediately to report any danger of such accidents which they may observe in any part of the prison or detention barrack, and to use all possible means to prevent the same. No light or fires are to be left burning unnecessarily or unattended, but are to be thoroughly extinguished. No light is at any time to be carried about the prison

<sup>1</sup> The words "during meals" and "except so far as is allowed" in rule 130 were omitted by Notification No. 235, dated 18th March, 1910, Gazette of India, 1910, Pt. I. p. 253.

or detention barrack, unless it is enclosed in a lantern; and each member of the Staff coming on duty during the night is to see that a careful examination is made, to guard against danger from fire.

133. Members of the Staff shall call attention to any defects in the drainage, ventilation, or sanitary condition of the prison or detention barrack, which may come under their notice.

*Rooms of Soldiers under Sentence*

134. Each soldier under sentence shall usually occupy a room by himself by day and by night (except as otherwise directed).

135. In every prison or detention barrack special rooms shall be provided for the temporary confinement of refractory or violent soldiers under sentence.

136. No room shall be used for the separate confinement of a soldier under sentence unless it is certified to be of such a size, and to be lighted, warmed, ventilated and fitted up in such a manner as may be requisite for health, and furnished with the means of enabling the soldier to communicate at any time with a member of the Staff of the prison or detention barrack.

137. No special room shall be used unless it is certified that it is furnished with the means of enabling the soldier under sentence to communicate at any time with a member of the Staff of the prison or detention barrack, and that it can be used as a special room without detriment to the health of the soldier under sentence, and the time for which it may be so used shall be stated in the certificate.

138. The duty of ascertaining the state of the room used for the separate confinement or punishment of soldiers under sentence will devolve on a Board consisting of a Staff Officer appointed by the General Officer Commanding, the P. M. O. and an Officer of the Royal Engineers. The fitness of the rooms for occupation will be certified by the former officer to the Officer Commanding the Station, before they are occupied by soldiers under sentence.

*Admission, Discharge, and Removal of Soldiers under Sentence.*

139. Soldiers committed to prisons and detention barracks will, in addition to the articles specified in A. R. I., Vol. XI, take with them the following articles:—

MOUNTED SERVICES.—The rifle (if armed therewith), the articles of equipment, etc., laid down for "Marching order—on the man" in Cavalry Training, with the exception of revolver and pouch.

DISMOUNTED SERVICES.—The articles of equipment, etc., laid down for "Marching order," except bayonet and scabbard.

139a. The following articles shall be supplied and charged for in the prison or detention barrack accounts, namely,—

- (a) Canvas suits, two per room, *plus* 10 per cent. as a reserve, for the protection of uniform clothing when the soldiers under sentence are at work;
- (b) Waistcoats or banians, flannel, six per room to admit of a change twice weekly; and
- (c) Waistcoats, serge, with long sleeves, one per room, for issue during autumn and winter months at stations where climatic conditions require it.

140. Soldiers who are not to return to the colours on completion of their sentence will not take carbine or rifle.

141. Soldiers under sentence shall be searched on admission and at such times subsequently as may be directed, and all prohibited articles shall be taken from them.

The searching of a soldier under sentence shall be conducted with due regard to decency and self-respect, and in as seemly a manner as is consistent with the necessity of discovering any concealed article. A soldier under sentence shall not be searched in the presence of another soldier under sentence.

142. Every soldier under sentence shall, as soon as possible, be separately examined by the Medical Officer, who shall enter in the diary of medical events a record of the state of health of the soldier, and any observations he may deem it expedient to add.

143. Every soldier under sentence shall take a bath on reception, unless it shall be otherwise directed by the Superintendent or Medical Officer.

144. If any soldier under sentence is found to have any cutaneous disease, or to be infested with vermin, means shall be taken effectually to eradicate the same, and the case reported to the Officer Commanding.

145. Every soldier under sentence shall be weighed and measured on reception and on discharge, as may be ordered or the Medical Officer may require, and the result shall be recorded by the Medical Officer.

146. After soldiers under sentence are received at the prison or detention barrack, the abstract of the rules relating to the conduct and treatment of soldiers under sentence shall be read over to them, and proper means shall afterwards be taken by the Superintendent for making them acquainted with the purport and effect of such rules.

147. Before any soldier under sentence can be received into the prison or detention barrack, whether on first commitment or on removal from another prison or detention barrack, the Superintendent must receive for him a separate committal on the approved form, carefully filled up in all its parts. Extracts from the conduct book will, in all cases, be annexed to the committal; and the Superintendent will obtain from the Commanding Officer such further information as may be required with reference to the general character of a soldier under sentence, his standard of education, etc.

148. Men of the Royal Navy and the Royal Marines under sentence by court-martial, or by a Commanding Officer, may be committed to a military prison or detention barrack, and they will be received, provided accommodation is available. They will be eligible to earn remission of part of their sentences under the same conditions, as far as applicable, as are laid down in these rules for soldiers under sentence.

149. A "Property Book" shall be kept in which shall be made an entry (to be signed by the soldier under sentence, and attested by the appointed member of the prison or detention barrack staff), of the clothes, money, or other articles found upon the soldier, which clothes, money, and articles the Superintendent shall take into his possession, to be accounted for or returned to such soldier when discharged from the prison or detention barrack, and any other money that may be received for a soldier under sentence shall be placed to the credit of such soldier, and similarly accounted for on his discharge.

150. The clothes and other articles shall be purified if they require it.

151. No soldier under sentence shall be released before the termination of his sentence of imprisonment or detention, except by written order from competent authority, delivered to the Superintendent, or unless he has earned remission of sentence under these rules.

152. A soldier under sentence shall invariably be admitted into, and released from prison or detention barrack after the regular dinner hour and before dark. When a sentence expires on a Sunday, Christmas Day, or Good Friday, he may be released on the previous day.

For purposes of punishment a soldier under sentence may be detained in a prison or detention barrack until the moment when his sentence legally expires, *viz.*, if the sentence is in days, midnight of the day on which the sentence expires, or, if it is in hours, until the full period of hours has been passed in a prison or detention barrack.

153. Whenever it may be necessary to remove or release a soldier under sentence before the time stated in his commitment as the termination of his imprisonment or detention, one day's notice, stating the day and hour of release when practicable, will be transmitted to the Superintendent by the officer authorizing the release or removal of the soldier under sentence.

If removed for transfer to another prison or detention barrack, the original commitment is to be transmitted to the Superintendent of the prison or detention barrack to which the soldier under sentence is removed, accompanied by a removal order on the prescribed form, to which must be attached a certificate from the Medical Officer as to the state of health of the soldier under sentence.

The Superintendent of the prison or detention barrack from which any soldier under sentence is so removed will take and retain a receipt for the commitment on handing it over to the non-commissioned officer removing the soldier.

154. The Officer Commanding shall transmit to the proper officer the names of the soldiers under sentence who are shortly to be discharged from the prison or detention barrack (specifying in each case the day

and hour) a sufficient time beforehand to enable the necessary arrangements to be made for disposing of them at the expiration of sentence.

155. Upon the return to his regiment or corps of every soldier under sentence by court-martial, the Officer Commanding shall make a report of his conduct and character to his Commanding Officer.

156. A soldier under sentence ordered to be discharged from the Army, not being a convict, and whose discharge is not to be carried out in India, will be supplied with clothing as detailed in Army Regulations, India, Volume XI.

157. On convicts leaving a military prison *en route* to the port of embarkation, all bedding that may have been sent with them from their corps shall be returned into store. Each convict shall be supplied with clothing at the public expense as laid down in Army Regulations, India, Volume XI.

158. On the discharge of a soldier under sentence, the letters addressed to him while in custody are to be given up to him with his own property, unless the Visitor authorises the Superintendent to withhold them on account of their contents.

*Food, Clothing, and Bedding of Soldiers under Sentence.*

159. Every soldier under sentence shall sleep in a room by himself. Epileptic soldiers or those labouring under diseases requiring assistance or supervision in the night, may at any time, notwithstanding this rule, be placed, by order of the Medical Officer, with not fewer than two other soldiers under sentence.

160. Such additional clothing and bedding may be issued during severe weather, or in special cases, as the Medical Officer may deem requisite.

161. The scale of diet for soldiers under sentence shall be the scale contained in India Army Form P. 1471.

162. Scales and legal weights and measures shall be provided, open to the use of any soldiers under sentence under such regulations as may be necessary.

163. A soldier under sentence who has any complaint to make regarding the diet furnished to him, or who wishes his diet to be weighed or measured to ascertain whether he is supplied with the authorised quantity, must make his request as soon as possible after the diet is handed to him, and it will be weighed or measured in his presence and in that of the member of the Staff deputed for that purpose. Should, however, repeated complaints of a groundless nature be made by any soldier under sentence under colour of this rule, with the evident purpose of giving annoyance or trouble, it shall be treated as a breach of prison or detention barrack discipline, and the offender will be liable to punishment accordingly.

164. A soldier under sentence shall, during the whole of his sentence, when it does not exceed 14 days, and during 14 days of his sentence when it exceeds 14 days, be required to sleep without a palliasse, unless

the Medical Officer shall order otherwise. He shall not be deprived of a palliasse for the rest of his sentence, except as a punishment.

Each soldier under sentence shall be supplied with a palliasse and pillow cases from the prison or detention barrack store. Other requisites of bedding must be sent with the soldier from his regiment.

*Personal Cleanliness.*

165. Soldiers under sentence shall be required to keep themselves clean and decent in their persons. They shall obey such regulations as regards washing, bathing, hair cutting, and shaving, as may be established with a view to a proper maintenance of health and cleanliness. They shall change their underclothing daily in the hot weather, and three times a week in the cold weather. The hair of soldiers under sentence shall not be cut closer than may be necessary for purposes of health and cleanliness.

166. No soldier under sentence shall be stripped or bathed in the presence of any other soldier under sentence.

167. Soldiers under sentence shall keep their rooms, utensils, books, clothing, and bedding clean and neatly arranged, and shall, under the charge of a member of the Staff, during dry weather, remove their bedding and expose it to the sun. They shall clean and sweep the yards, passages, and other parts of the prison or detention barrack as may be directed.

*Employment of Soldiers under Sentence.*

168. A soldier under sentence may be employed in the service of the prison or detention barrack, but shall not be employed in the discipline thereof, or in the service of any member of the Staff thereof.

169. Every soldier under sentence shall, for 14 days, or for the whole of his sentence, if it is less than 14 days, be employed in strict separation, if possible, on hard bodily or hard manual work, provided that no soldier shall be so employed for more than 8 or less than 5 hours per diem, exclusive of meals. If his sentence be more than 14 days, he shall after that period, provided his conduct and industry are good, be employed on work of a less hard description in association if practicable, and shall be eligible for all the privileges of the progressive stage system, *vide* paragraph 236. Provided that no soldier under sentence shall be required to perform any work of any description unless certified by the Medical Officer to be fit for such work.

Any soldier under sentence suffering from physical or mental infirmity likely to be aggravated by cellular isolation shall be employed on such work and in such way as the Medical Officer may direct.

170. The work of all soldiers under sentence shall, if possible, be productive, and the trades and industries taught and carried on shall, if practicable, be such as may be useful to the soldier on discharge.

171. On Sunday, Christmas Day, Good Friday and General Fast or Thanksgiving Days, the employment of a soldier under sentence shall

be confined to what is strictly necessary for the service of the prison or detention barrack.

A soldier under sentence who is a Jew shall not be compelled to work on his Sabbath.

172. The Medical Officer shall, from time to time, examine the soldiers under sentence during the time of their being employed at hard work, and shall enter in the diary of medical events the name of any soldier whose health he thinks to be endangered by a continuance at work, and thereupon that soldier shall not again be employed at such work until the Medical Officer certifies that he is fit for such employment.

173. A system of progressive stages shall be established with specific privileges attached to each stage, and every soldier under sentence shall have the opportunity of profiting by this system.

A soldier under sentence while in any stage shall be entitled to every privilege attached to that stage, unless he forfeits any privilege as provided by this rule.

The promotion of a soldier under sentence from the lower to the higher stage shall be gained by industry, good conduct, and attention to his drill and instruction, but it may be postponed for idleness or misconduct, or he may be removed to the lower stage, or he may forfeit any of the privileges of his stage.

A daily record of the industry of every soldier under sentence shall be kept in marks, the award of which shall be carefully supervised by the Visitor, and a soldier shall, as a condition of becoming eligible for remission, earn the required number of marks, and, in addition, any marks he may have forfeited for misconduct.

Every soldier under sentence shall also be required to earn, as a condition of obtaining promotion to the higher stage, the number of marks assigned to the lower stage, and also any additional marks, if any, awarded in that stage as a punishment.

174. Hard work shall consist of stone-breaking, or such other like description of hard bodily or hard manual work as may be appointed by the Officer Commanding the Station.

#### *Remission of Sentence.*

175. A soldier sentenced to imprisonment or detention for a period of 28 days or upwards shall be eligible, by special industry and good conduct, and (if not sentenced to discharge with ignominy) proficiency and attention to drill and military training, to earn a remission of a portion of his imprisonment or detention, not exceeding one-sixth of the whole sentence.

176. In order to earn a remission of sentence, a soldier referred to in rule 175 must earn five-sixths of the total number of marks obtainable during the whole of his sentence.

177. A soldier under sentence shall be allotted full marks for any time spent in the guard-room or in hospital prior to commitment, and also

for any day he is unable to work, provided that such detention or inability to work is not through his own fault.

178. A soldier under sentence on obtaining the number of marks entitling him to remission of the remainder of his sentence shall be forthwith released, and the unexpired portion of his sentence of imprisonment or detention shall be deemed to be remitted.

#### *Health of Soldiers under Sentence.*

179. Soldiers under sentence, if employed at work in their own rooms, shall be permitted to take such exercise in the open air as the Medical Officer may deem necessary for their health.

180. The names of the soldiers under sentence who desire to see the Medical Officer, or appear out of health, shall be reported by the member of the Staff attending them to the Superintendent, and by him without delay to the Medical Officer.

181. All directions given by the Medical Officer in relation to any soldier under sentence, with the exception of orders for the supply of medicines or directions in relation to such matters as are carried into effect by the Medical Officer himself, or under his superintendence, shall be entered day by day in their diary of medical events which shall have a separate column in which entries are to be made by the Superintendent stating in respect of each direction the fact of its having been or not having been complied with accompanied by such observations, if any, as the Superintendent may think fit to make, and the date of the entry.

182. Tatties and watering establishments, or, if necessary, thermantidores with establishments, in lieu thereof, may be provided for the prison or detention barrack during time of extreme heat, on the recommendation of the senior medical officer of the station, if concurred in by the principal medical officer of the division or brigade. Similarly, punkhas with establishments may be provided in the absence of tatties or thermantidores. In either case, report shall be at once made to the Controller of Military Accounts concerned by the principal medical officer of the division or brigade.

#### *Religious Instruction and Duties of the Chaplains.*

183. The Church of England Chaplain for the time being at the station in which the prison or detention barrack is situated shall be the Church of England Chaplain of the prison, hereinafter referred to as "the Chaplain."

184. Religious Instruction shall be given by the Chaplain, at hours to be arranged, to those who are willing to receive it. Divine Service will be held once during the week, and on Christmas Day and Good Friday. The Chaplain shall frequently visit the soldiers under sentence, and distribute books deemed proper for Religious Instruction. He shall administer the Holy Communion on suitable occasions to those who are desirous of receiving it. Soldiers under sentence shall attend Divine Service when such service is performed. This rule shall not apply to any

soldier under sentence who is visited by a Minister of a Church or persuasion differing from the Church of England. Defaulters, except when in close confinement, shall attend Divine Service, unless they are excluded owing to disorderly conduct.

185. The Chaplain shall communicate to the Officer Commanding any abuse or impropriety in the prison or detention barrack which may come to his knowledge, and shall enter the same in the Chaplain's book.

186. Each soldier under sentence who can read shall be furnished with a Bible and Prayer-Book, such as is approved for the denomination to which he belongs.

187. The Chaplain shall attend the prison or detention barrack as frequently as possible, recording the times of his arrival and departure, and the duties he performed.

188. He shall notify the times of the administration of the Holy Communion, and that soldiers under sentence desiring to become communicants must signify their wish to him before the time appointed, in order that he may confer with them thereon.

189. He shall, as far as possible, see and admonish the soldiers under sentence on admission and discharge; he shall also occasionally see each soldier under sentence separately.

190. Chaplains of any Church or persuasion different from that of the Church of England shall be deemed to be Chaplains within the meaning of these rules, and shall be made acquainted with the names of all soldiers under sentence of their persuasions, and with such other particulars respecting them as may be necessary for the performance of their duties.

191. Such Chaplains shall have access to such soldiers under sentence at the usual hours for the purpose of affording to them Religious Instruction; but they shall not hold communication with any soldiers under sentence other than those of their own persuasion.

192. Such Chaplains shall perform Divine Service at such times as may be appointed, if it should appear to the proper authority that there are a sufficient number of soldiers under sentence to attend and the circumstances of the prison or detention barrack admit of the necessary arrangements for the purpose being made.

193. Such Chaplains shall, so far as may be practicable, see and admonish every soldier under sentence of their persuasions, both on admission and on discharge, and they shall visit any soldier of their persuasion who may require spiritual advice and assistance.

194. Such Chaplains shall visit the sick soldiers of their persuasion as the exigencies of each case may require.

195. Such Chaplains shall have access to the catalogue of books to be issued to soldiers under sentence, and if they make objection to any book, it shall not be issued to any soldier of their persuasion without superior authority.

196. All Chaplains shall, in carrying out their duties, be careful not to interfere with the established rules and regulations of the prison or

detention barrack or the routine of discipline and work. They shall confer with the Officer Commanding on all points connected with their duties; they shall co-operate with him, and with the other officials of the prison or detention barrack, in promoting the good order of the establishment, so far as concerns the duties of their office.

*Library.*

197. A library shall be provided in each prison or detention barrack, consisting of such books as are likely to impart secular and religious knowledge, which may be issued to the soldiers under sentence under the conditions laid down from time to time. The library shall be under the care of the Church of England Chaplain, who shall keep up the supply of books by purchase under local arrangements up to the amount allotted to the prison or detention barrack for the purpose. The allotment shall under no circumstances be exceeded. Selections shall ordinarily be made from the catalogue of books authorised for soldiers under sentence which has been supplied to each prison, or detention barrack, but books not shown in the catalogue, also a few books in foreign languages, may be purchased, provided that they are of a useful and instructive kind.

Bills, supported by the vendor's receipts, for the value of books purchased by the Chaplain, shall be submitted to the Examiner of Military Accounts of the Division concerned.

*School Instruction.*

198. School instruction of one hour's duration will be given on 3 days in each week to soldiers in the 2nd stage who are undergoing sentences of 56 days and upwards, and who are likely to benefit by such instruction, such as illiterate soldiers, or those not in possession of a 3rd class certificate of education.

199. The schools will be under the A. G. in India, and informal inspections and examinations will be carried out by the Inspector of Army Schools to ascertain progress, but not for certificates.

200. The Officer Commanding the Station will be the Commanding Officer of the school.

201. The scope of instruction will be as laid down for 3rd, 2nd and 1st Class Certificates of Education in the Army School Regulations, with the addition of reading, except that men who are to be discharged from the service at the termination of their imprisonment or detention will not be required to learn military accounts, or any other service subject, but will be taught an ordinary debtor and creditor account. Great attention will be paid to handwriting,

202. Room lessons (analogous to home lessons) in the shape of a few pages from a historical or other reader or from a history, may be given to those who wish to have them, but no punishment may be inflicted for neglecting them.

203. The classes will be taught by a member of the Staff certified by the Inspector of Army Schools as competent to teach the prescribed subjects.

204. In order to make the tuition as effective as possible, it will, in all cases in which it can be so arranged, be given collectively, under proper supervision, classes being formed in a suitable room, the soldiers under sentence being seated at tables, far enough apart to prevent communication between them and strict discipline being maintained.

205. The instructions will be given at such times as may be considered desirable to suit local conditions, but care must be taken that the drill is not interfered with, and that a minimum of 5 hours' work is performed by each soldier under sentence on every week day.

206. In view of the great importance of education in developing the intelligence of the young soldier, officers in charge are enjoined to do the best in their power to effectively carry on the educational work with the means at their disposal.

207. On economical grounds, demands for books and other school material will be carefully limited; they should be based on the scale sanctioned by Government.

*Precautions against Fire.*

208. The Officer Commanding the Station shall issue the necessary orders as safeguards against "Fire," *vide* para. 164, Army Regulations, India, Volume II.

209. A daily inspection and report should be made to ensure that tanks which contain water intended for use on such occasions are kept full, and that the pressure in all mains supplied from other sources is sufficient.

210. In the hall of the prison or detention barrack, or other conspicuous part, a board should be placed stating where the hydrants are which would be used in case of fire in the several parts of the prison or detention barrack, and where the keys, turncocks, fire buckets, ladders, and other necessary implements are to be obtained.

211. In case of fire the member of the Staff in charge of the prison or detention barrack at the time will be responsible for the proper arrangements being made.

212. The orders to be observed in case of fire will be read out once a quarter to all the members of the Staff; and non-commissioned officers newly appointed are expected to have made themselves acquainted with them before being considered to have passed their probation.

213. A fire picquet of soldiers under sentence will be told off and located in the rooms nearest to the fire appliances. All the prison or detention barrack staff are to be trained in fire duties, and should have a knowledge of the hydrants.

214. In case of fire occurring in any building occupied by soldiers under sentence, or quarters occupied by members of the staff, or contiguous thereto, safety of life is the main object to be attended to in the first

instance; the secure custody of soldiers under sentence, and steps for extinguishing the fire, will be the next consideration.

215. In the event of the assistance of soldiers under sentence being required, the fire party will be turned out, but only as many of these are to be taken at a time as may be necessary for the duty required.

216. In the event of a military guard being present, one-half to be posted at intervals round the prison or detention barrack, the other half to be kept in reserve.

*Visits to, and Communications with, Soldiers under sentence.*

217. The Superintendent may demand the name and address of any visitor to a soldier under sentence; and when he has any ground for suspicion may search, or cause to be searched, male visitors, such search not to be in the presence of any soldier under sentence or of another visitor; and in case of any visitor refusing to be searched, the Superintendent may deny him admission; the grounds of such proceeding, with the particulars thereof, to be entered in the Superintendent's book.

218. A soldier under sentence after 2 weeks of the term of his sentence have expired shall, provided his conduct and industry have been satisfactory, be allowed to communicate with his relatives and respectable friends by letter, and to be visited by them in the prison or detention barrack, and subsequently he shall be allowed the same privilege at intervals, to be determined according to his good conduct and industry. Not more than three persons shall be admitted to visit a soldier under sentence at one time. No other person shall be allowed to communicate with a soldier under sentence, except at the discretion of the Officer Commanding or Visitor. These privileges may be forfeited at any time for misconduct or breach of regulations of the prison or detention barrack.

219. The Officer Commanding or Visitor may allow any soldier under sentence entitled to a visit to write a letter and receive a reply, in lieu of such visit, should his friends be unable to visit him.

219a. No person shall be admitted to visit a soldier under sentence until he has given his name and address and relationship to, or connection with, the soldier, if any, and these particulars shall be duly recorded.

220. If the Superintendent shall know any sufficient cause why any visitor should not be admitted, he shall refuse admission to such person, duly recording the circumstances in his journal.

221. Visitors to soldiers under sentence shall be admitted only to the place appropriated for the purpose, except in special cases with the sanction of the proper authority, and in the case of soldiers under sentence reported by the Medical Officer to be seriously ill, who may be visited elsewhere by any near relative or friend on a written order of the Officer Commanding or Visitor.

222. Soldiers under sentence shall be visited in the presence of a member of the Staff.

223. The period of the visit allowed to any soldier under sentence may be extended at the discretion of the Superintendent.

224. No person shall be allowed to visit a soldier under sentence on a Sunday, except in case of emergency.

225. Officers of police may visit soldiers under sentence for the purpose of identification, on production of an order from the proper police or magisterial authority.

226. If there are reasonable grounds for suspecting that any person who is admitted within the prison or detention barrack for the purpose of seeing a soldier under sentence brings in or takes out any articles for an improper purpose, or contrary to the regulations of the prison or detention barrack, the Superintendent is authorized to suspend the visit of such person, duly recording the fact in his journal. He may remove from the prison or detention barrack any visitor to such prison or barrack, or to a soldier under sentence, whose conduct is improper, recording the same in his journal.

*Offences against the Discipline of Military Prisons or Detention Barracks.*

227. (1) No punishment or privations of any kind shall be awarded to soldiers under sentence except by, or under the orders of, the Officer Commanding, the weekly Visitor, or a Board of Visitors.

(2) No soldier under sentence shall be punished until he has had an opportunity of hearing the charges and evidence against him, and of making his defence.

(3) Offences committed by soldiers under sentence against the Staff should be disposed of under these rules.

(4) No soldier under sentence shall, without orders from the General Officer of the Division, be tried by court-martial for offences committed against prison or detention barrack discipline.

228. (1) The Officer Commanding or the weekly Visitor may hear complaints respecting any of the following offences when committed by a soldier under sentence, that is to say:—

- (a) Disobedience of any detention barrack or prison rule;
- (b) Disobedience of the directions of any detention barrack or prison officer;
- (c) Common assaults upon another soldier under sentence;
- (d) Profane cursing or swearing;
- (e) Indecent behaviour;
- (f) Irreverent behaviour during Divine Service;
- (g) Insulting or threatening language to any officer or fellow soldier under sentence;
- (h) Idleness or negligence in work or at drill;
- (i) Wilfully damaging detention barrack or prison property; and
- (j) Wilful mismanagement of work.

(2) All the offences mentioned in clause (1) are hereby declared to be offences against detention barrack or prison discipline.

229. The Officer Commanding or the weekly Visitor may examine any person touching such offences, and determine thereupon and punish the offender by—

- (a) admonition;
- (b) reduction from a higher to a lower stage;
- (c) confinement in a punishment room upon bread and water diet for any time not exceeding three days;
- (d) forfeiture of remission of sentence for a period not exceeding fourteen days.

230. (1) When a soldier under sentence is guilty of repeated offences against prison or detention barrack discipline, or is guilty of any offence against prison or detention barrack discipline, which the Officer Commanding or the weekly Visitor is not by these rules empowered to punish, the Officer Commanding shall direct a Board of Visitors to assemble for the proper investigation of the case.

(2) The investigation shall be recorded in writing, and the examination of witnesses shall be upon oath or affirmation and in the presence of the soldier under sentence, who shall be given the same opportunity of defence that is accorded to a soldier tried by a court-martial.

(3) The Board shall have power to punish such offender as follows, namely:—

- (i) by confinement in a punishment room for any term not exceeding fourteen days, to be kept there on bread and water (the amount of bread to be one-and-a-half pounds *per diem*); but, where this punishment diet is continued beyond three days, the ordinary scale of diet shall be given on the fourth day and every alternate day thereafter. This period of confinement shall be included in, and shall not be in excess of, the term of sentence; provided that when a soldier under sentence is admitted to hospital while undergoing punishment on bread and water diet, or such diet is stopped under medical advice, the soldier shall not be again put on this reduced diet to complete the original term for which the punishment was ordered.

- (ii) Forfeiture of remission of sentence for a period not exceeding twenty-eight days.

231. (1) In cases of urgent necessity, any soldier under sentence may be directed to be kept in irons by the orders in writing of the Officer Commanding or of two Visitors (*see Appendix III*).

(2) Every such order shall specify the cause thereof and the time during which the soldier under sentence is to be kept in irons.

(3) The irons on ordinary occasions shall be common handcuffs.

(4) In extreme cases of refractory conduct, leg-irons may be used with or without handcuffs; but whenever this course is resorted to, an immediate report shall be made to the General Officer Commanding the Division.

(5) No soldier under sentence shall be put in irons or under any other mechanical restraint as a punishment. Irons or other means of mechanical restraint shall be used only when necessary for the purpose of restraining the soldier.

*Offences in Relation to Military Prisons and Detention Barracks.*

232. The following sections (37, 38 and 39) of the Prison Act, 1865, <sup>28 & 29</sup> shall be applicable to Military Prisons and Detention Barracks, as provided in section 133 of the Army Act:—

“ 37. Every person who aids any prisoner in escaping or attempting to escape from any prison, or who, with intent to facilitate the escape of any prisoner, conveys or causes to be conveyed into any prison any mask, dress or other disguise, or any letter, or any other article or thing, shall be guilty of felony, and on conviction be sentenced to imprisonment with hard labour for a term not exceeding two years.

“ 38. Every person who, contrary to the regulations of the prison, brings or attempts by any means whatever to introduce into any prison any spirituous or fermented liquor or tobacco, and any officer of a prison who suffers any spirituous or fermented liquor or tobacco to be sold or used therein, contrary to the prison regulations, on conviction shall be sentenced to imprisonment for a term not exceeding six months, or to a penalty not exceeding twenty pounds, or both, in the discretion of the Court, and every officer of a prison convicted under this section shall, in addition to any other punishment, forfeit his office and all arrears of salary due to him.

“ 39. Every person who, contrary to the regulations of a prison, conveys or attempts to convey any letter or other document, or any article whatever not allowed by such regulations, into or out of any prison, shall, on conviction, incur a penalty not exceeding ten pounds, and, if an officer of the prison, shall forfeit his office and all arrears of salary due to him; but this section shall not apply in cases where the offender is liable to a more severe punishment under any other provisions of this Act.”

233. A notice setting forth the penalties that will be incurred by persons committing an offence in contravention of the three preceding sections shall be affixed in a conspicuous place outside the prison or detention barrack.

234. All offences under these rules made cognizable by a Magistrate shall be enquired into and tried according to the provisions of the Code of Criminal Procedure, 1898: Provided that no Magistrate <sup>V of 1898.</sup> shall award any sentence in excess of his powers.

*System of Progressive Stages.*

235. The following instructions will be observed to give effect to the system of progressive stages:—

1. A soldier under sentence shall be able to earn on each week-day 8, 7 or 6 marks according to degree of his industry, good behaviour and attention to military instruction. On

Sunday he shall be awarded marks according to the degree of his industry during the previous week.

2. A soldier under sentence who is not at work by reason of his being under punishment is not entitled to receive marks, but if he is on the sick list, he will receive marks according to his behaviour and previous industry, provided his illness has not been brought about by himself. Every soldier under sentence actually at work may receive marks provided he completes the minimum task required of him. A soldier who has not earned marks during the week is not to receive marks on Sunday.
3. A soldier under sentence who is idle or inattentive at instruction will be reported and be liable to punishment.
4. There shall be two stages which a soldier under sentence shall pass through, or through so much as the term of his sentence admits.
5. He shall commence in the first stage, and shall remain in that stage until he has earned  $14 \times 8$  or 112 marks; afterwards in the second stage, during the remainder of his sentence.
6. A soldier under sentence whose term of detention is 14 days or less shall serve the whole of it in the first stage.
7. A soldier under sentence who is idle, or who misconducts himself, or is inattentive to instruction, shall, in addition to, or in place of, any punishment which may be inflicted on him in accordance with the rules, be liable :—
  - (a) To forfeit any stage privileges until he has earned a specified number of marks.
  - (b) To detention in the first stage until he shall have earned, in that stage, an additional number of marks.
  - (c) To degradation to the lower stage until he has earned, in such lower stage, a stated number of marks.

As soon as the soldier has earned the stated number of marks, he shall, unless he has, in the meantime, incurred further similar degradation, be restored to the stage from which he was degraded, and be credited with the number of marks he had previously earned therein.

8. A soldier under sentence in the first stage will :—
  - (a) Be employed daily on hard bodily or hard manual work for not more than eight or less than five hours exclusive of meals.
  - (b) Sleep without a palliasse.
  - (c) Perform two or three hours' military training.
  - (d) Be allowed books of religious and secular instruction.
  - (e) Be allowed exercise on Sunday.
9. A soldier under sentence in the second stage will :—
  - (a) Be employed on work of a less hard description, for not less than five hours daily.

- (b) Sleep on a palliasse every night.
- (c) Perform two or three hours' drill and gymnastics daily.
- (d) Be allowed books of instruction, both religious and secular.
- (e) Receive school instruction, if eligible under the regulations made for the education of soldiers under sentence.
- (f) Be allowed a library book, which may be changed twice a week.
- (g) Be allowed exercise on Sunday.
- (h) Be allowed to receive and write a letter and receive a visit of twenty minutes' duration from a friend.

Letters may be received and despatched at intervals of 14 days, and visitors received after an interval of three weeks, but under special circumstances the Superintendent will use his own discretion in regard to this matter.

236. No soldier under sentence, unless his conduct has been most satisfactory, who has previously served a sentence of imprisonment or detention by court-martial, shall be eligible for any special employment as cleaner, cook, or orderly, and his work shall be performed, if possible, in strict separation whilst in the first stage.

237. The Visitor will give constant attention to the Progressive Stage system, and will exercise a constant check on the award and registration of marks gained and forfeited. (See Appendix II.)

237a. Marks will be awarded daily by the Superintendent, and be proportioned to the behaviour and industry of the soldier under sentence as shown by the amount of work done, taking into account his capability.

237b. The Visitor will take frequent opportunities of inspecting the Stage Registers, so as to exercise a check on the awards.

237c. The Stage Register will invariably accompany a soldier under sentence when he is brought before the Officer Commanding or the Visitor under report, and any sentence affecting his marks or stage privileges will at once be entered in the Register in the column for remarks, and will correspond with the entry in the Punishment Book.

237d. When the punishment awarded to a soldier under sentence for an offence against the discipline of a prison or detention barrack involves the deprivation of any stage privileges, the member of the Staff whose duty it is to carry out the sentence will be furnished with the particulars of it, and he should be required to certify that the award has been duly carried into effect.

#### *Time Tables of Daily Duties and Parades.*

238. The duties of the Staff and the employment of soldiers under sentence shall be regulated in accordance with a time table of daily duties fixed by the Officer Commanding to meet local conditions. A specimen time table for the employment of soldiers under sentence is given below as a guide.

*Time Table of Daily Duties.*

## PRISONS AND DETENTION BARRACKS.

(Soldiers under Sentence.)

WEEK DAYS.		SUNDAYS.	
A.M. 5-30	Bell rings. Rise, wash, dress, make beds, and sweep rooms, and prepare for kit inspection.	A.M. 6-30	Rise.
6-5	Check roll taken, slops collected, names taken for Medical Officer, rooms and hall swept.	7-45	Breakfasts.
6-20	Kit and room inspection, and tasks checked.	10-15	Bell for Divine Service.
6-40	Work commences.	P.M. 12-30	Dinners.
7-45	Breakfasts.	5-50	Suppers. Lock up.
8-15	Clean equipment, rooms, etc.	9-0	Lights out.
8-50	Closeting carried out.		
9-15	Parade in marching order for military training.		
P.M. 12-25	Military training ceases.		
12-30	Dinners.		
1-0	Clean kits, rooms, and equipment.		
1-15	Recommence work in rooms.		
2-15	Outside work recommences.		
4-15	School.		
5-45	School and work ceases.		
5-50	Suppers.		
6-15	Work recommences in rooms.		
8-0	Work ceases. Lock up.		
9-0	Lights out.		

During inclement weather, it will be within the discretion of a Superintendent to vary the hours laid down for particular work or duty, and to ensure, as far as possible, that the duty, drill, etc., out of doors, is not omitted.

238a. Every soldier under sentence shall parade and be inspected once on every week-day in field service order,\* and shall periodically drill in this order.

238b. On Sundays all soldiers under sentence at prisons or detention barracks will parade for inspection by the Superintendent, who will then march them to Church.

238c. Soldiers under sentence who have been discharged from the Army, or who are to be discharged therefrom on release, will not be practised in drill or gymnastics, or be given military training, but will be kept at hard work instead. Such soldiers may be given walking exercise on the recommendation of the Medical Officer. Soldiers who are under punishment for offences committed in prison or detention barrack will likewise be ineligible for drill, gymnastics, or military training.

238d. Cleaning of arms shall be carried out daily.

239. The times of bathing will be arranged by the Superintendent, so that each soldier under sentence has a bath once a week at least.

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#### LIST OF APPENDICES.

- I.—Syllabus of Military Training.
  - II.—Memorandum on the Earning and Award of Marks under the Progressive Stage and Remission System.
  - III.—Form of Order for Soldiers under Sentence to be placed under Restraint.
  - IV.—List of Books to be kept at Military Prisons and Detention Barracks and Instructions for keeping them.
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#### APPENDIX I.

##### *Syllabus of Military Training.*

The course of Military Training shall consist of the following subjects:—

- (a) Drill, Physical Exercise, Gymnastics, etc.
- (b) Musketry.
- (c) Semaphore Signalling.
- (d) Lectures on Skirmishing and Scouting.
- (e) Lectures explained on a black-board in Outposts, Advanced and Rear Guards.
- (f) Knotting and Splicing and lashing spars and single frames.

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\* Drill order in the hot weather.

*Musketry.*

Soldiers sentenced by Courts-Martial and those under four months' service, or who have not fired a Recruit's Course of Musketry, shall daily perform Musketry, consisting of firing exercises, aiming, etc.

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## APPENDIX II.

*Memorandum on the Earning and Award of Marks under Progressive Stage and Remission System.*

1. The awarding of marks under the Progressive Stage and Remission System is a most important and responsible duty, and requires the greatest care and attention.

2. The object of this system is to train and encourage the soldier under sentence to habits of industry and good conduct. If, therefore, marks are given which are not earned by industry, the whole object of this system is defeated.

3. The principle of this system is that—

Marks must be earned by industry.

Marks so earned may be forfeited by misconduct.

4. Rule 235 provides that a soldier under sentence shall be able to earn on each week-day 8, 7, or 6 marks, according to the degree of his industry. There are, therefore, three degrees of industry, each carrying a different reward in the shape of marks, and it is in deciding what has been the degree of industry and in fairly awarding marks that the exercise of care, attention, and judgment by the Superintendent is most necessary.

5. In order to facilitate the proper awarding of marks, work should be tasked wherever possible, and marks awarded on the following scale:—8 for the maximum task, i.e., what can be performed in the full number of hours laid down by a man working hard during the whole time; 7 for the medium tasks, or five-sixths of the maximum task; 6 for the minimum task, or two-thirds of the maximum task. But there are some kinds of work which cannot be so treated, and soldiers vary greatly in their capabilities, and it is in such cases that special care and good judgment are required. In these cases, marks should be allotted according to the industry of each soldier.

6. Whenever a soldier under sentence fails to complete the full task laid down or what the Superintendent considers he is capable of performing, or does not do his best at any work he is called upon to do, the fact must be brought to the notice of the Officer Commanding for investigation and decision as to whether the failure is wilful or otherwise, the result being recorded on Army Form C 395, as well as the rate at which he should be tasked.

7. When a soldier is employed at work which is tasked, the amount of work actually done will be marked upon Army Form C 395 or in a book as may be most practicable.

### APPENDIX III.

### *Form of Order.*

Dated—

\* Describe the irons.  
† Insert whether in front of or behind the body.  
They are in any case to be placed in front during meals and bed-time.

Soldier under Sentence, No. \_\_\_\_\_ to  
be restrained in\* \_\_\_\_\_  
by the wrists† \_\_\_\_\_  
from this hour to

To the Superintendent } Signature  
in Charge of Officer Commanding.

Irons as above ordered placed on soldier under sentence  
at \_\_\_\_\_ m  
removed at \_\_\_\_\_ m, the  
day of \_\_\_\_\_ 19 .  
in charge of \_\_\_\_\_

#### APPENDIX IV.

*List of Books to be kept at Military Prisons and Detention Barracks and Instructions for keeping them.*

The following books shall be kept in the custody of the Superintendent, namely:—

(a) *The Superintendent's journal of the prison*, in which shall be recorded all occurrences of importance, particularly such as relate to the health and discipline of the soldiers under sentence, to the visits by the Visitor, the Medical Officer and the Chaplains, and to the state of the soldiers under sentence generally as reported daily to the Visitor.

The date of every visit made to the prison or detention barrack by the above-mentioned officers shall be regularly entered, and every entry shall be signed with the name and be in the handwriting of the officer.

(b) A Register of soldiers under sentence, in which shall be entered a nominal roll of soldiers under sentence, with the date of

- the admission of each, and his age, height, weight, features, particular marks and general appearance.
- (c) A *cash book*, in which shall be entered all sums received and expended on account of the prison or detention barrack.
  - (d) A *ration return*, in which shall be entered the number of soldiers under sentence rationed each day, and the exact quantity of each article provided.
  - (e) A *punishment book*, in which shall be entered all offences against prison and detention barrack discipline, the dates on which they were committed, and the punishment awarded to the offender.
  - (f) A *property book*, in which shall be entered a detailed statement of the money and other effects received with a soldier under sentence.
  - (g) A *diary of medical events*.
  - (h) A *Chaplain's book*.
  - (i) An *inspection or minute book*, for the use of Visitors.
  - (j) A *Visitor's order book*, in which shall be entered respectively the various particulars by these rules prescribed.
  - (k) An *employment book*, in which shall be recorded the employment of soldiers under sentence.
  - (l) *Superintendent's order book*; and
  - (m) A *hospital admission and discharge book*. (The Medical Officer shall make the entries in this book.)

The Superintendent shall make the entries in the books specified in clauses (a), (b), (c), (d), (e), [*offences only*], (f), (k) and (l); the entries in the other books shall be made by the officers concerned, the *punishments* awarded for offences against prison discipline being entered in the punishment book (e) by Visitors.

[See Gazette of India, 1908, Pt. I, p. 1008.]

#### Currency Exchange.

No. 1698, dated the 8th November, 1888.—The Governor General in Council, in exercise of the power conferred by section 169 of the Army Act, 1881 (44 & 45 Vict., c. 58),<sup>1</sup> is pleased to declare that fifty rupees and two hundred rupees shall, for the purposes of section 156 of that Statute in India, be the respective equivalents of five pounds and twenty pounds.

[See Gazette of India, 1888, Pt. I, p. 516.]

No. 198-J., dated the 25th March, 1880.—In exercise of the authority conveyed in section 162 of the Army Discipline and Regulation Act, 1879,<sup>2</sup> the Governor General in Council is pleased to declare that, for the

<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> See now the Army Act (44 & 45 Vict., c. 58), by which this Act was repealed.

purposes of conversion into Indian currency of all sums of money expressed in British currency in the said Act, a penny shall be held to be equivalent to eight pies.

[See Gazette of India, 1880, Pt. I, p. 224.]

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**Enlistment and attestation for the Indian Army.**

No. 429-J., dated the 31st July, 1885.—In exercise of the power conferred by section 180, sub-section 2 (h), Army Act, 1881,<sup>1</sup> the Governor General in Council is pleased to direct that the classes of persons now enlisted and attested for Her Majesty's Indian Forces under the said Act shall in future be enlisted and attested under the Indian Articles of War<sup>2</sup> for the time being.

[See Gazette of India, 1885, Pt. I, p. 429.]

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**POST OFFICE (MONEY ORDER) ACTS.**

**Money Orders issued in British India for payment in the United Kingdom and certain other places.**

<sup>3</sup>Regulations, dated July 5, 1884, made by the Postmaster General with the consent of the Treasury, made under the Post Office (Money Order) Acts, 1848 to 1883<sup>4</sup>,<sup>5</sup>,<sup>6</sup>,<sup>7</sup> Whereas the Post Office (Money Orders) Act, 1880,<sup>5</sup> provides that, subject to the Post Office Regulations, the Postmaster General, with the consent of the Treasury, may, for the purpose of the transmission of small sums through the Post Office, authorise his officers or any of them to issue orders (hereinafter referred to as postal orders) in the form set forth in the schedule to that Act, subject, nevertheless, to the provisos contained in the said Act:

And whereas by the Post Office (Money Orders) Acts, 1848<sup>4</sup> and 1880,<sup>5</sup> the Postmaster General is authorised with the consent of the Commissioners of Her Majesty's Treasury to make Post Office Regulations relating to money orders, and to the persons by or to whom money orders shall be paid, and to the times at which and the mode in which the same shall be paid:

And whereas by the Post Office (Money Orders) Act, 1883,<sup>6</sup> certain alterations in the form of postal orders as set forth in the schedule to the Post Office (Money Orders), 1880,<sup>5</sup> are sanctioned, and the Postmaster General is empowered, with the consent of the Commissioners of Her Majesty's Treasury, to prescribe by Post Office Regulations further modifications of the form of postal orders, and the several amounts

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<sup>1</sup> Collection of Statutes relating to India, Vol. I.

<sup>2</sup> See Act V of 1869, as modified up to 1st January, 1909.

<sup>3</sup> These Regulations were gazetted, July 22nd, 1884 (London Gazette).

<sup>4</sup> 43 & 44 Vict., c. 33.

<sup>5</sup> 11 & 12 Vict., c. 88.

<sup>6</sup> 46 & 47 Vict., c. 58.

<sup>7</sup> These Regulations were repealed as to Gibraltar by the Regulations of December 17th, 1885, printed at p. 616 of the Statutory Rules and Orders, Revised, Vol. V.

(not exceeding twenty shillings) of such orders, and the sums of poundage (not exceeding two pence) to be taken in respect of such orders, and it was amongst other things provided that where an arrangement is made with the Government of any British possession for the transmission of small sums through the Post Offices of the United Kingdom, and such British possession by means of money orders of a like character to those issued under the Post Office (Money Orders) Act, 1880, as amended by that Act the said Act as amended by that Act should, so far as is consistent with the tenour thereof, and subject to the prescribed modifications, apply in like manner as if an order issued in pursuance of such arrangement, whether by an officer of the Post Office or of such British possession, was an order under the said Act as amended by that Act and that such portions of the said Act as enact punishment should apply accordingly:

And whereas an arrangement has been made with the Government of British India for the issue in British India and payment in the United Kingdom, and Gibraltar, and Constantinople, of postal orders in the form and subject to the <sup>1</sup>Regulations hereinafter mentioned :

Now, therefore, I, the Right Honourable Henry Fawcett, Her Majesty's Postmaster General, in pursuance of the said Acts, and of all other powers enabling me in this behalf, with the consent of the Commissioners of Her Majesty's Treasury, do hereby order as follows:—

1. These Regulations shall come into operation on the first day of October, 1884.

2. Subject to the provisions of these Regulations, postal orders issued at any post office in British India may be paid in the United Kingdom, Gibraltar, and Constantinople, by any officer or person for the time being there authorised to pay postal orders issued in the United Kingdom.

3. Every postal order issued in British India as aforesaid shall be in the form and of one of the amounts specified in the Regulations made under the Post Office (Money Orders) Acts, 1848 to 1883,<sup>2</sup> and dated the 28th day of January, 1884,<sup>3</sup> or any other Regulations for the time being in force with reference to postal orders issued in the United Kingdom, and all the provisions of the said Regulations shall apply to orders issued in British India as aforesaid, so far as the nature of the case admits.

In witness whereof I, the said Henry Fawcett, Her Majesty's Postmaster General, have hereunto set my hand this fifth day of July, 1884.

HENRY FAWCETT.

<sup>1</sup> These Regulations were repealed as to Gibraltar by the Regulations of December 17th, 1885, printed at p. 616 of the Statutory Rules and Orders, Revised, Vol. V.

<sup>2</sup> 11 & 12 Vict., c. 88, 43 & 44 Vict., c. 33, 46 & 47 Vict., c. 58.

<sup>3</sup> Published in London Gazette, February 19th, 1884, p. 845.

We, the undersigned, being two of the Commissioners of Her Majesty's Treasury, do hereby signify the consent of the same Commissioners to the above Regulations.

R. W. DUFF.

HERBERT J. GLADSTONE.

[See Statutory Rules and Orders Revised, Vol. V, p. 614.]

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RESERVE FORCES ACT, 1882 (45 & 46 VICT., c. 48).

**Regulations for the Indian Section of the Army Reserve.**

No. 641, dated the 31st July, 1908.—The following regulations which have been approved by the Right Hon'ble the Secretary of State for India are published for information:—

*Regulations for the Indian Section of the Army Reserve made by the Secretary of State under Section 20 of the Reserve Forces Act, 1882, in accordance with the provisions of the Reserve Forces Act, 1906.*

A Section of the Army Reserve may be formed in India: it shall be called the Indian Section of the Army Reserve, and shall consist of such numbers as shall be determined from time to time by the Governor General in Council with the approval of the Secretary of State for India.

European or Eurasian subjects of His Majesty possessing special qualifications which will be specified by the Government of India, may be enlisted into the Indian Section of the Army Reserve.

2. Men belonging to the Indian Section of the Army Reserve will be subject to the provisions of the Reserve Forces Acts, 1882 to 1906, with such modifications as are hereinafter set forth.

3. The Indian Section, or any part of it, will not be liable to be called out on permanent service except by proclamation by the Governor General of India in Council, but may be so called out either for Imperial or Indian service.

4. (i) It shall be lawful for the Governor General in Council, at any time when occasion appears to require, to call out the whole or so many as he thinks necessary of the men belonging to the Indian Section of the Army Reserve to aid the Civil power in the preservation of the public peace.

(ii) It shall be lawful for any Officer Commanding His Majesty's Forces in any station or district in British India, on the requisition in writing of any Justice of the Peace, to call out for the purpose aforesaid the men belonging to the Indian Section of the Army Reserve who are resident in such station or district, or such of them as he may think necessary.

5. (i) All or any of the men belonging to the Indian Section of the Army Reserve may be called out for annual training at such time or

times and at such place or places within British India, and for such period or periods, as may be prescribed, not exceeding in any one year twelve days or twenty drills.

(ii) Every man so called out may, during his annual training, be attached to and trained with a body of the regular or auxiliary forces.

6. It shall be lawful for the Government of India from time to time to make, and when made to revoke and vary, orders with respect to the government, discipline and pay of the Indian Section of the Army Reserve, and with respect to other matters and things relating to the said Indian Section.

[See Gazette of India, 1908, Pt. I, p. 722.]

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#### MAIL SHIPS ACT, 1892 (54 & 55 VICT., c. 31).

No. 8731—22, dated the 17th September, 1908.—The following Order in Council, dated the 1st August, 1908, entitled “The Mail Ships (Rules) Order in Council, 1908,” is published for general information:

#### ORDER IN COUNCIL.

At the Court at *Goodwood House*, the 1st day of August, 1908.

#### PRESENT:

THE KING'S Most Excellent Majesty in Council.

WHEREAS section 8 (3) of “The Mail Ships Act, 1891,” provides that it shall be lawful for Her Majesty in Council to make Rules for carrying into effect as respects British Possessions, the provisions of that Act with respect to the security given by mail ships, and in particular with respect to the commencement of a legal proceeding by service of a writ or process in the Possession, and to the notices to be given to arresting authorities in the Possession, and the evidence to be receivable by such authorities of the security having been given are withdrawn, and the application of the security in discharge of any damages, fine, debt, claim, sum, or forfeiture, where the same are or is recovered or payable either in the British Possession, or under proceedings pending concurrently in that British Possession, and in any other British Possession or the United Kingdom:

Now, THEREFORE, His Majesty is pleased, by and with the advice of His Privy Council, to order, and it is hereby ordered, as follows:—

#### *Notices of Exemption.*

1. Any rules of the High Court of Justice in England, made under the provisions of “The Mail Ships Acts, 1891 and 1902” (hereinafter

referred to as "the Acts"), shall be transmitted by a Secretary of State to the Government of every Possession to which the Acts are applied for the purpose of a Convention, and shall be published by such Government in the Gazette of the Possession, and also in such local official Gazettes published in the Possession as the Government of the Possession may prescribe.

2. A copy of every notice and list published by the Board of Trade under the Acts, or under any rules of Court made under the Acts, shall be transmitted by a Secretary of State to the Government of every Possession to which the Acts are applied for the purpose of a particular Convention.

3. A copy of every such Notice and list, signed by a Secretary to the Government of the Possession, or other prescribed officer, shall be published in the official Gazette of the Possession, and a copy of such Gazette Notification shall be kept publicly exhibited in the Court-room of every Colonial Court of Admiralty in the Possession, and a copy of the said Gazette containing any such Notification shall be receivable in evidence by every arresting authority in the Possession.

4. If notwithstanding its exemption, an exempted mail ship is arrested in the Possession, the Government of the Possession, on being informed by the owner of such arrest and of the arresting authority, and on being satisfied that the ship is an exempted mail ship, shall forthwith send a special Notice to the arresting authority, informing him that the ship is an exempted mail ship, and as such entitled to release.

#### *Actions against Exempted Ships.*

5. An action may be commenced against the owners of an exempted mail ship in the like cases, in the same manner and subject to the same rules as an Admiralty action *in rem*, and in any Colonial Court of Admiralty having jurisdiction in the Possession in which such an action might have been brought if the ship were not an exempted mail ship.

#### *Orders, by Courts having jurisdiction in British Possessions, for Application of the Security.*

6. Any order of a Court having jurisdiction in a British Possession directing any security to be applied shall recite the name of the Court and of the action or proceeding, the cause of action, and the judgment debt, and shall comprise a certificate by the Judge of the Court that the ship in respect of which the judgment is given is an exempted mail ship, and might but for such exemption have been arrested and sold in execution thereof, and that the judgment debt is still unsatisfied, and is payable out of the security lodged in or under the control of the High Court of Justice in England in respect of the ship.

7. The order may require payment to be made either in London to a named agent of the execution creditor, or in the Possession to some named officer of the Court from which the order issues.

8. Every such order shall be sealed with the seal of the Court, and shall be drawn up in duplicate, addressed to the Admiralty Registrar, Royal Courts of Justice, London, and shall be transmitted under cover to the prescribed officer of the Government of the Possession.

9. The said duplicate orders when received by the prescribed officer shall be countersigned by him, and shall be forthwith transmitted to a Secretary of State, who shall cause one of such orders to be delivered to the Admiralty Registrar, and the Admiralty Registrar shall, subject to any direction of the High Court, make an order upon the Paymaster-General for payment of the required sum out of the security in accordance with these Rules.

10. Unless the High Court shall otherwise order, and subject to existing rights of priority of liens, orders for the application of any security shall be paid in the order in which they are received by the Admiralty Registrar; but where two or more orders are received at the same time, they shall be paid in the order of their respective dates.

11. Where the order requires payment to a named agent of the execution creditor in London, the money shall be payable at the rates of exchange current on the day on which the order is received by the Secretary of State.

12. If the order requires payment to be made to a named officer of the Court from which the order issues, such an amount shall be paid out by the Paymaster-General to a person nominated by the Secretary of State, as will at the rates of exchange current on the day on which the order is received by the Secretary of State be necessary to purchase a draft for the amount of the order payable at sight in the Possession, and such draft shall be in favour of the said named officer of the said Court.

13. Where any action or proceeding against the owners of an exempted mail ship is pending in a Court having jurisdiction in a British Possession, involving a claim against the security lodged in the High Court in England, the Court in the British Possession shall transmit to the Admiralty Registrar notice of the pendency of such action or proceeding, stating the nature and amount of the claim and the proceedings taken in regard thereto; and in case of the subsequent discontinuance or other conclusion of such action or proceeding, whereby the security ceases to be affected, the Court shall transmit notice of such discontinuance or conclusion. Every such notice shall be sealed, drawn up, addressed and transmitted to the Admiralty Registrar in like manner as an order for the application of the security.

#### *Miscellaneous Provisions.*

14. In every British Possession to which these Rules apply, the Governor in Council may, by Order, prescribe any matter directed by these Rules to be prescribed, or necessary for carrying them into effect.

15. In the application of these Rules to British India, the following provisions shall have effect:—

- (a) The Presidencies of Madras and Bombay, the Bengal division of the Presidency of Fort William, the Province of Eastern Bengal and Assam, and the Province of Burmah shall be deemed to be separate British Possessions.
- (b) The expressions "Government of the Possession" and "Governor in Council" respectively shall mean the Lieutenant-Governor of Bengal, the Lieutenant-Governor of Eastern Bengal and Assam, and the Lieutenant-Governor of Burmah, with respect to the territories administered by them respectively.
- (c) All orders made in pursuance of Rule 14 with respect to any part of British India shall be made with the previous sanction of the Governor-General in Council.

16. In the application of these Rules to any British Possession in which there is a Vice-Admiralty Court, and no Colonial Court of Admiralty, these Rules shall be read as if "Vice-Admiralty Court" were substituted for "Colonial Court of Admiralty."

17. In these Rules "judgment debt" means any damages, fine, debt, claim, sum or forfeiture found by any Court to be payable by the owner of a ship, and "execution creditor" means the person entitled to a judgment debt.

Other expressions have the same meaning as in the Act.

18. This Order may be cited as "The Mail Ships (Rules) Order in Council, 1908."

19. "The Mail Ships (Rules) Order in Council, 1895," is hereby repealed.

And the Right Honourable the Earl of Crewe, K.G., the Right Honourable Viscount Morley of Blackburn, O.M., and the Right Honourable Sir Edward Grey, Bart., three of His Majesty's Principal Secretaries of State, are to give the necessary directions herein, as to them may respectively appertain.

A. W. FITZROY.

[See Gazette of India, 1908, Pt. I, p. 850.]

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#### THE MERCHANT SHIPPING ACT, 1894 (57 & 58 VICT., c. 60).

##### **Aden as a port of registry for ships.**

No. 3586-S. R., dated the 15th June, 1903.—In exercise of the power conferred by section 4, sub-section (1), clause (e), of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), the Governor General in Council is pleased to approve the Port of Aden as a port for the registry

of ships, and to appoint the Resident at Aden to be the Registrar of British Ships at the said Port, under the provisions of the said Statute.

[See Gazette of India, 1903, Pt. I, p. 519.]

**Forms of registry of British ships in British India.**

*No. 412-5, dated the 21st January, 1911.*—Under the provisions of sections 65 and 89 of the Merchant Shipping Act (57 & 58 Vict., c. 60), the Governor General in Council is pleased to direct that the forms referred to in the letter from the Board of Trade set forth below shall be adopted in British India for the registry of British ships under the said Act.

BOARD OF TRADE,

Marine Department,

7, Whitehall Gardens,

London, S. W.

3rd December, 1910.

M. 27,036.

SIR,

I am directed by the Board of Trade to state, for the information of the Earl of Crewe, that the form of certificate of survey (certificate of tonnage measurement, form Surveys 59) issued under section 6 of the Merchant Shipping Act, 1894, has recently been revised, and the certificate of registry of a British ship and the transcript of register (Forms Registry 9 and 19) have in consequence been revised also.

It will be seen that the principal alteration consists in the insertion of a note stating the actual tonnage of the engine room spaces below the upper deck and the tonnage of the total spaces framed in above the upper deck for propelling machinery and for light and air. The object of this is to obviate the remeasurement of British vessels in ports of foreign countries (particularly the United States of America) whose tonnage regulations are not identical with those in force in the United Kingdom. The only other change in the forms consists in a slight alteration of the wording of note 2 (formerly the sole note).

In the interests of uniformity it is very desirable that the same forms and instruments should be used in connection with the registry of ships at all ports of British registry and the Board would therefore suggest, for the consideration of the Secretary of State, that the forms accompanying this letter might be forwarded to the Indian authorities

with a view to their taking steps to bring the new forms into use as soon as possible.

I am to add that, as the main alteration in the forms affects only steamers, there is no objection to the present stocks of forms being used up in connection with the registry of sailing ships, should such a course be desired in order to avoid waste.

I have, etc.,

WALTER J. HOWELL.

The Under Secretary of State,  
India Office.

References of Transactions.	Changes of Masters.

**Declaration of Ownership on behalf of a Body Corporate for the registry of British Ships in British India.**

*No. 3559-16, dated the 9th May, 1912.*—Under the provisions of sections 65 and 89 of the Merchant Shipping Act, 1894 (57 & 58 Vict., c. 60), the Governor General in Council is pleased to direct that the following form of Declaration of Ownership on behalf of a Body Corporate, which has been prescribed by His Majesty's Commissioners of Customs with the consent of the Board of Trade, shall be adopted in British India for the registry of British ships under the said Act in supersession of the form prescribed for such declaration in Notification No. 1360-S. R., Finance and Commerce Department, dated 24th March, 1897.

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- (c) The length must be bounded by iron or steel partitions and the total area of the openings in any such partition must not exceed one-fourth of the area of the partition itself.
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## RULE II.

### REGULATIONS WITH RESPECT TO THE LOADING OF HEAVY WOOD GOODS AS DECK CARGO.

1. Heavy wood goods may only be loaded in covered spaces which form part of the permanent structure of the ship, and which comply with the conditions specified in the preceding Rule I.
  2. Heavy wood goods must not be loaded in any covered space in such a manner as to make the ship unfit, by reason of instability, to proceed to sea and to perform the voyage safely having regard to the nature of the service for which she is intended.
  3. Heavy wood goods must be properly stowed and secured so as to prevent shifting.
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## RULE III.

### REGULATIONS FOR THE PROTECTION OF SEAMEN FROM RISK ARISING FROM THE CARRIAGE OF WOOD GOODS AS DECK CARGO IN UNCOVERED SPACES ON BOARD SHIP.

1. When wood goods are carried in an uncovered space, there shall be fitted on each side of the ship temporary rails or bulwarks of a substantial character for the full length within which the deck cargo is stowed, extending to a height of not less than 3 feet above the line of the top of the deck cargo.
2. The uprights of such temporary rail or bulwark shall be of substantial scantling and be placed not more than 4 feet apart. The heels of the uprights shall extend down to, and rest on, the deck of the vessel.
3. There shall be attached longitudinally to these uprights for the full length of the deck cargo, spars, deals, battens, guard-ropes or chains, at intervals of not more than 12 inches apart in a vertical direction. If ropes or chains are used, they shall be set-up taut and securely attached to each upright.
4. The temporary rails or bulwarks may consist of closely spaced vertical deals, provided they are properly secured, and that there are protected openings at intervals for water clearance.
5. Where light wood is carried in an uncovered space (not being a space forming the top of any permanent closed in space on the upper deck or a space forming the top of a covered space) and the uncovered space is bounded by an open rail formed of wood, iron, or steel stanchions

and longitudinal rods, battens or chains, no measures for the protection of the seamen shall be deemed sufficient if the height of such rail exceeds 3 feet 6 inches.

[See Gazette of India, 1907, Pt. I, p. 274.]

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INDIAN COUNCILS ACT, 1909 (9 EDW. 7, c. 4).

**Rules for the discussion of the Annual Financial Statement.**

No. 23, dated the 15th November, 1909.—In exercise of the powers conferred by section 5 of the Indian Councils Act, 1909, the Governor General in Council has, with the sanction of the Secretary of State for India in Council, made the following rules authorising, at any meeting of the Legislative Council of the Governor General, the discussion of the annual financial statement of the Governor General in Council.

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**RULES FOR THE DISCUSSION OF THE ANNUAL FINANCIAL STATEMENT IN THE LEGISLATIVE COUNCIL OF THE GOVERNOR GENERAL.**

*Definitions.*

1. In these rules—

(1) “President” means—

(a) the Governor General, or

(b) the President nominated by the Governor General in Council under section 6 of the Indian Councils Act, 1861, or

(c) the Vice-President appointed by the Governor General under section 4 of the Indian Councils Act, 1909, or

(d) the Member appointed to preside under rule 27;

(2) “Member in charge” means the Member of the Council of the Governor General to whom is allotted the business of the Department of the Government of India to which the subject under discussion belongs, and includes any Member to whom such Member in charge may delegate any function assigned to him under these rules;

(3) “Finance Member” means the Member in charge of the Finance Department of the Government of India;

(4) “Secretary” means the Secretary to the Government of India in the Legislative Department, and includes the Deputy Secretary and every person for the time being exercising the functions of the Secretary;

(5) “Financial Statement” means the preliminary financial estimates of the Governor General in Council for the financial year next following; and

(6) "Budget" means the Financial Statement as finally settled by the Governor General in Council.

#### A.—THE FINANCIAL STATEMENT.

##### *General order of discussion.*

2. (1) On such day as may be appointed in this behalf by the Governor General, the Financial Statement with an explanatory memorandum shall be presented to the Council every year by the Finance Member, and a printed copy shall be given to every Member.

(2) No discussion of the Financial Statement shall be permitted on such day.

3. (1) On such later day as may be appointed in this behalf by the Governor General, the first stage of the discussion of the Financial Statement in Council shall commence.

(2) On this day, after the Finance Member has stated any changes in the figures of the Financial Statement which circumstances may since have rendered necessary, and has made any explanations of that Statement which he may think fit, any Member shall be at liberty to move any resolution entered in his name in the List of Business relating to any alteration in taxation, any new loan or any additional grant to Local Governments proposed or mentioned in such Statement or explanatory memorandum, and the Council shall thereupon proceed to discuss each such resolution in the manner hereinafter prescribed.

4. (1) The second stage of the discussion of the Financial Statement shall commence as soon as may be after all the resolutions which may be moved as aforesaid have been disposed of.

(2) In this stage each head or group of heads specified in the statement contained in the Schedule appended to these rules as being open to discussion, shall be considered separately according to such grouping as the Member in charge may determine.

(3) The consideration of a particular head or group of heads shall be introduced by the Member in charge with such explanations supplementing the information contained in the Financial Statement as may appear to him to be necessary.

(4) Any Member shall then be at liberty to move any resolution relating to any question covered by any such head or group of heads which may be entered in his name in the List of Business, and the Council shall thereupon proceed to discuss every such resolution in the manner hereinafter prescribed.

##### *Subjects excluded from discussion.*

5. No discussion shall be permitted in regard to any of the following subjects, namely:—

(a) any subject removed from the cognizance of the Legislative Council of the Governor General by section 22 of the Indian Councils Act, 1861; or

- (b) any matter affecting the relations of His Majesty's Government or of the Governor General in Council with any Foreign State or any Native State in India; or
- (c) any matter under adjudication by a Court of Law having jurisdiction in any part of His Majesty's Dominions.

*Resolutions.*

6. No resolution shall be moved which does not comply with the following conditions, namely:—

- (a) it shall be in the form of a specific recommendation addressed to the Governor General in Council;
- (b) it shall be clearly and precisely expressed and shall raise a definite issue;
- (c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity;
- (d) it shall not challenge the accuracy of the figures of the Financial Statement; and
- (e) it shall be directly relevant to some entry in the Financial Statement.

7. A Member, who wishes to move a resolution, shall give notice in writing to the Secretary at least two clear days before the commencement of the stage of the discussion to which the resolution relates, and shall, together with the notice, submit a copy of the resolution which he wishes to move.

8. The President may disallow any resolution or part of a resolution without giving any reason therefor other than that in his opinion it cannot be moved consistently with the public interests, or that it should be moved in the Legislative Council of a Local Government.

9. (1) No discussion in Council shall be permitted in respect of any order of the President under rule 8.

(2) A resolution that has been disallowed shall not be entered in the proceedings of the Council.

10. Resolutions admitted by the President shall be entered in the List of Business in such order as he may direct.

*Discussion of Resolutions.*

11. (1) After the mover of a resolution has spoken, other Members may speak to the motion in such order as the President may direct, and thereafter the mover may speak once by way of reply

(2) No Member other than the mover and the Member in charge shall speak more than once to any motion except with the permission of the President for the purpose of making an explanation.

12. No speech, except with the permission of the President, shall exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same and the Member in charge may speak for thirty minutes.

13. The discussion of a resolution shall be limited to the subject of the resolution, and shall not extend to any matter as to which a resolution may not be moved.

14. A Member who has moved a resolution may withdraw the same unless some Member desires that it be put to the vote.

15. When, in the opinion of the President, a resolution has been sufficiently discussed, he may close the discussion by calling upon the mover to reply and the Member in charge to submit any final observations which he may wish to make:

Provided that the President may in all cases address the Council before putting the question to the vote.

16. If any resolution involves many points, the President at his discretion may divide it, so that each point may be determined separately.

17. (1) Every question shall be resolved in the affirmative or in the negative according to the majority of votes.

(2) Votes may be taken by voices or by division and shall be taken by division if any Member so desires.

(3) The President shall determine the method of taking votes by division.

18. (1) The President may assign such time as with due regard to the public interests he may consider reasonable for the discussion of resolutions or of any particular resolution.

(2) Every resolution which shall not have been put to the vote within the time so assigned shall be considered to have been withdrawn.

19. Every resolution, if carried, shall have effect only as a recommendation to the Governor General in Council.

20. When a question has been discussed at a meeting of the Council, or when a resolution has been disallowed under rule 8 or withdrawn under rule 14, no resolution raising substantially the same question shall be moved within one year.

#### B.—THE BUDGET.

21. (1) On or before the 24th day of March in every year the Budget shall be presented to the Council by the Finance Member, who shall

describe the changes that have been made in the figures of the Financial Statement, and shall explain why any resolutions passed in Council have not been accepted.

(2) A printed copy of the Budget shall be given to each Member.

22. (1) The general discussion of the Budget in Council shall take place on such later day as may be appointed by the President for this purpose.

(2) At such discussion, any Member shall be at liberty to offer any observations he may wish to make on the Budget, but no Member shall be permitted to move any resolution in regard thereto, nor shall the Budget be submitted to the vote of the Council.

(3) It shall be open to the President, if he thinks fit, to prescribe a time-limit for speeches.

23. The Finance Member shall have the right of reply, and the discussion shall be closed by the President making such observations as he may consider necessary.

#### C.—GENERAL.

24. (1) Every Member shall speak from his place, shall rise when he speaks and shall address the chair.

(2) At any time, if the President rises, any Member speaking shall immediately resume his seat.

25. (1) Any Member may send his speech in print to the Secretary not less than two clear days before the day fixed for the discussion of a resolution, with as many copies as there are Members, and the Secretary shall cause one of such copies to be supplied to every Member.

(2) Any such speech may at the discretion of the President be taken as read.

26. (1) The President shall preserve order, and all points of order shall be decided by him.

(2) No discussion on any point of order shall be allowed unless the President thinks fit to take the opinion of the Council thereon.

(3) Any Member may at any time submit a point of order to the decision of the President.

(4) The President shall have all powers necessary for the purpose of enforcing his decisions.

27. The Governor General may appoint a Member of the Council to preside in his place, or in that of the Vice-President, on any occasion on which the Financial Statement or the Budget or any portion thereof is discussed in the Council.

28. The President, for sufficient reason, may suspend any of the foregoing rules.

## THE SCHEDULE.

*Heads open to or excluded from discussion under rule 4.*

REVENUE.		EXPENDITURE.	
Heads open to discussion.	Heads not open to discussion.	Heads open to discussion.	Heads not open to discussion.
I.—Land Revenue.	IV.— <i>Stamps.</i>	1.—Refunds and Drawbacks.	2.— <i>Assignments and Compensation.</i>
II.—Opium.	VII.— <i>Customs.</i>	3.—Land Revenue.	
III.—Salt.	VIII.— <i>Assessed Taxes.</i>	4.—Opium.	13.— <i>Interest on Debt.</i>
V.—Excise.	XI.— <i>Tribute s from Native States.</i>	5.—Salt.	23.— <i>Ecclesiastical.</i>
VI.—Provincial Rates.	XVI-A— <i>Courts.*</i>	6.— <i>Stamps.</i>	25.— <i>Political.</i>
IX.—Forest.	XXXII.— <i>Army.</i>	7.—Excise.	27.— <i>Territorial and Political Pensions.</i>
X.—Registration.	XXXIII.— <i>Marine.</i>	8.—Provincial Rates.	38.— <i>State Railways.†</i>
XII.—Interest.	XXXIV.— <i>Military Works.</i>	9.—Customs.	
XIII.—Post Office.	<i>All purely Provincial revenue and revenue accruing from divided heads in Provinces possessing Legislative Councils.</i>	10.—Assessed Taxes.	42.— <i>Major Works; Interest on Debt.</i>
XIV.—Telegraph.		11.—Forests.	46.— <i>Army</i>
XV.—Mint.		12.—Registration.	46.A.— <i>Marine.</i>
XVI-B.—Jails.		14.—Interest on other obligations.	47.— <i>Military Works.</i>
XVII.—Police.		15.—Post Office.	47.A.— <i>Special Defences.</i>
XIX.—Education.		16.—Telegraphs.	
XX.—Medical.		17.—Mint.	
XXI.—Scientific and other Minor Departments.		18.—General Administration.†	<i>All statutory charges.</i>
XXII.—Receipts in aid of Superannuation, etc.		19.A.—Courts of Law.†	<i>All purely Provincial expenditure and expenditure accruing under divided heads in Provinces possessing Legislative Councils.</i>
XXIII.—Stationery and Printing.		19.B.—Jails.	
XXIV.—Exchange.		20.—Police.	
*		22.—Education.	
		24.—Medical.	

\* Mainly court-fees and fines.

† These heads include certain statutory charges, which will be excluded from debate.

‡ This head deals purely with interest, sinking funds and annuities.

*Heads open to or excluded from discussion under rule 4—contd.*

REVENUE.		EXPENDITURE.	
Heads open to discussion.	Heads not open to discussion.	Heads open to discussion.	Heads not open to discussion.
XXV.—Miscellaneous.		26.—Scientific and other Minor Departments.	
XXVI.—State Railways.		28.—Civil Furlough and Absentee Allowances.	
XXVIII.—Subsidised Companies.		29.—Superannuation Allowances and Pensions.	
XXIX.—Irrigation, Major Works.		30.—Stationery and Printing.	
XXX.—Minor Works and Navigation.		31.—Exchange.	
XXXI.—Civil Works.		32.—Miscellaneous.	
		33.—Famine Relief.	
		34.—Construction of Protective Railways.	
		35.—Construction of Protective Irrigation Works.	
		36.—Reduction of or Avoidance of Debt.	
		40.—Subsidised Companies : Land, etc.	
		41.—Miscellaneous Railway Expenditure.	
		42.—Irrigation: Major Works —Working Expenses.	
		43.—Minor Works and Navigation.	
		45.—Civil Works.	
		48.—State Railways: Capital Expenditure not charged to Revenue.	
		49.—Irrigation Works: Capital Expenditure not charged to Revenue.	

**Rules for the discussion of matters of general public interest in the Legislative Council of the Governor General.**

*No. 24, dated the 15th November, 1909.—In exercise of the powers conferred by section 5 of the Indian Councils Act, 1909, the Governor General in Council has, with the sanction of the Secretary of State for India in Council, made the following rules authorising at any meeting of the Legislative Council of the Governor General the discussion of any matter of general public interest:—*

*Definitions.*

1. In these rules—

(1) “President” means—

- (a) the Governor General, or
- (b) the President nominated by the Governor General in Council under section 6 of the Indian Councils Act, 1861, or
- (c) the Vice-President appointed by the Governor General under section 4 of the Indian Councils Act, 1909, or
- (d) the Member appointed to preside under rule 27;

(2) “Member in charge” means the Member of the Council of the Governor General to whom is allotted the business of the Department of the Government of India to which the subject under discussion belongs, and includes any Member to whom such Member in charge may delegate any function assigned to him under these rules; and

(3) “Secretary” means the Secretary to the Government of India in the Legislative Department, and includes the Deputy Secretary and every person for the time being exercising the functions of the Secretary.

*Matters open to discussion.*

2. Any matter of general public interest may be discussed in the Council subject to the following conditions and restrictions.

3. No such discussion shall be permitted in regard to any of the following subjects, namely:—

- (a) any subject removed from the cognizance of the Legislative Council of the Governor General by section 22 of the Indian Councils Act, 1861; or
- (b) any matter affecting the relations of His Majesty’s Government or of the Governor General in Council with any Foreign State or any Native State in India; or
- (c) any matter under adjudication by a Court of Law having jurisdiction in any part of His Majesty’s Dominions.

*Resolutions.*

4. Subject to the restrictions contained in rule 3, any Member may move a resolution relating to a matter of general public interest:

Provided that no resolution shall be moved which does not comply with the following conditions, namely:—

- (a) it shall be in the form of a specific recommendation addressed to the Governor General in Council;
- (b) it shall be clearly and precisely expressed and shall raise a definite issue; and
- (c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity.

5. A Member, who wishes to move a resolution, shall give notice in writing to the Secretary, at least fifteen clear days before the meeting of the Council at which he desires to move the same, and shall, together with the notice, submit a copy of the resolution which he wishes to move:

Provided that the President may allow a resolution to be moved with shorter notice than fifteen days, and may, in any case, require longer notice or may extend the time for moving the resolution.

6. (1) The Secretary shall submit every resolution of which notice has been given to him in accordance with rule 5 to the President, who may either admit it or, when any resolution is not framed in accordance with rule 4, cause it to be returned to the Member concerned for the purpose of amendment.

(2) If the Member does not, within such time as the President may fix in this behalf, re-submit the resolution duly amended, the resolution shall be deemed to have been withdrawn.

7. The President may disallow any resolution or part of a resolution without giving any reason therefor other than that in his opinion it cannot be moved consistently with the public interests, or that it should be moved in the Legislative Council of a Local Government.

8. (1) No discussion in Council shall be permitted in respect of any order of the President under rule 6 or rule 7.

(2) A resolution which has been disallowed shall not be entered in the proceedings of the Council.

9. Resolutions admitted by the President shall be entered in the List of Business for the day in the order in which they are received by the Secretary:

Provided that the President may give priority to any resolution which he may consider to be of urgent public interest, or postpone the moving of any resolution.

*Discussion of Resolutions.*

10. The discussion of resolutions shall take place after all the other business of the day has been concluded.

11. (1) After the mover of a resolution has spoken, other Members may speak to the motion in such order as the President may direct, and thereafter the mover may speak once by way of reply.

(2) No Member other than the mover and the Member in charge shall speak more than once to any motion, except with the permission of the President, for the purpose of making an explanation.

12. No speech, except with the permission of the President, shall exceed fifteen minutes in duration:

Provided that the mover of a resolution, when moving the same, and the Member in charge may speak for thirty minutes.

13. (1) Every Member shall speak from his place, shall rise when he speaks and shall address the chair.

(2) At any time, if the President rises, any Member speaking shall immediately resume his seat.

14. (1) Any Member may send his speech in print to the Secretary not less than two clear days before the day fixed for the discussion of a resolution, with as many copies as there are Members, and the Secretary shall cause one of such copies to be supplied to each Member.

(2) Any such speech may at the discretion of the President be taken as read.

15. The discussion of a resolution shall be limited to the subject of the resolution, and shall not extend to any matter as to which a resolution may not be moved.

16. When a resolution is under discussion any Member may, subject to all the restrictions and conditions relating to resolutions specified in rules 3 and 4, move an amendment to such resolution:

Provided that an amendment may not be moved which has merely the effect of a negative vote.

17. (1) If a copy of such amendment has not been sent to the Secretary at least three clear days before the day fixed for the discussion of the resolution, any Member may object to the moving of the amendment; and such objection shall prevail unless the President in exercise of his power to suspend any of these rules allows the amendment to be moved.

(2) The Secretary shall, if time permits, cause every amendment to be printed and send a copy for the information of each Member.

18. A Member who has moved a resolution or an amendment of a resolution may withdraw the same unless some Member desires that it be put to the vote.

19. When, in the opinion of the President, a resolution and any amendment thereto have been sufficiently discussed, he may close the discussion by calling upon the mover to reply and the Member in charge to submit any final observations which he may wish to make:

Provided that the President may in all cases address the Council before putting the question to the vote.

20. (1) When an amendment to any resolution is moved, or when two or more such amendments are moved, the President shall, before taking the sense of the Council thereon, state or read to the Council the terms of the original motion and of the amendment or amendments proposed.

(2) It shall be in the discretion of the President to put first to the vote either the original motion or any of the amendments which may have been brought forward.

21. If any resolution involves many points, the President at his discretion may divide it, so that each point may be determined separately.

22. (1) Every question shall be resolved in the affirmative or in the negative according to the majority of votes.

(2) Votes may be taken by voices or by division and shall be taken by division if any Member so desires.

(3) The President shall determine the method of taking votes by division.

#### *General.*

23. (1) The President may assign such time as, with due regard to the public interests, he may consider reasonable for the discussion of resolutions or of any particular resolution.

(2) Every resolution which shall not have been put to the vote within the time so assigned shall be considered to have been withdrawn.

24. Every resolution, if carried, shall have effect only as recommendation to the Governor General in Council.

25. When a question has been discussed at a meeting of the Council, or when a resolution has been disallowed under rule 7 or withdrawn under rule 18, no resolution or amendment raising substantially the same question shall be moved within one year.

26. (1) The President shall preserve order, and all points of order shall be decided by him.

(2) No discussion on any point of order shall be allowed unless the President thinks fit to take the opinion of the Council thereon.

(3) Any Member may at any time submit a point of order to the decision of the President.

(4) The President shall have all powers necessary for the purpose of enforcing his decisions.

27. The Governor General may appoint a Member of the Council to preside in his place, or in that of the Vice-President, on any occasion on which a matter of general public interest is discussed in the Council.

28. The President, for sufficient reason, may suspend any of the foregoing rules.

[See Gazette of India, 1909, Pt. I, p. 1603.]

**Rules for the asking of questions in the Legislative Council of the Governor General.**

No. 25, dated the 15th November, 1909.—In exercise of the power conferred by section 5 of the Indian Councils Act, 1909, the Governor General in Council has, with the sanction of the Secretary of State for India in Council, made the following rules authorising the asking of questions at any meeting of the Legislative Council of the Governor General :—

1. In these rules—

(1) “President” means—

- (a) the Governor General, or
- (b) the President appointed under section 6 of the Indian Councils Act, 1861, or
- (c) the Vice-President appointed by the Governor General under section 4 of the Indian Councils Act, 1909.

(2) “Member in charge” means the Member of the Council of the Governor General to whom is allotted the business of the Department of the Government of India to which the subject of the question belongs, and includes any Member to whom such Member in charge may delegate any function assigned to him under these rules; and

(3) “Secretary” means the Secretary to the Government of India in the Legislative Department, and includes the Deputy Secretary and every person for the time being exercising the functions of the Secretary.

2. Any question may be asked by any Member subject to the following conditions and restrictions.

3. No question shall be permitted in regard to any of the following subjects, namely :—

- (a) any matter affecting the relations of His Majesty’s Government or of the Governor General in Council with any Foreign State or with any Native State in India, or
- (b) any matter under adjudication by a Court of Law having jurisdiction in any part of His Majesty’s Dominions.

4. No question shall be asked unless it complies with the following conditions, namely :—

- (a) it shall be so framed as to be merely a request for information,
- (b) it shall not be of excessive length,

(c) it shall not contain arguments, inferences, ironical expressions or defamatory statements, nor shall it refer to the conduct or character of persons except in their official or public capacity, and

(d) it shall not ask for an expression of an opinion or the solution of a hypothetical proposition.

5. In matters which are or have been the subject of controversy between the Governor General in Council and the Secretary of State or a Local Government no question shall be asked except as to matters of fact, and the answer shall be confined to a statement of facts.

6. A Member who wishes to ask a question shall give notice in writing to the Secretary at least ten clear days before the meeting of the Council at which he desires to put the question and shall, together with the notice, submit a copy of the question which he wishes to ask:

Provided that the President may allow a question to be put with shorter notice than ten days, and may in any case require longer notice or may extend the time for answering a question.

7. (1) The Secretary shall submit every question of which notice has been given to him in accordance with rule 6 to the President, who may either allow it or, when any question is not framed in accordance with rules 4 and 5, cause it to be returned to the Member concerned for the purpose of amendment.

(2) If the Member does not, within such time as the President may fix in this behalf, resubmit the question duly amended, the question shall be deemed to have been withdrawn.

8. The President may disallow any question, or any part of a question, without giving any reason therefor other than that in his opinion it cannot be answered consistently with the public interests, or that it should be put in the Legislative Council of a Local Government.

9. No discussion in Council shall be permitted in respect of any order of the President under rule 7 or rule 8.

10. Questions which have been allowed shall be entered in the List of Business for the day, and shall be put in the order in which they stand in the list before any other business is entered upon at the meeting.

11. Questions shall be put and answers given in such manner as the President may in his discretion determine.

12. Any Member who has asked a question may put a supplementary question for the purpose of further elucidating any matter of fact regarding which a request for information has been made in his original question.

13. The Member in charge may decline to answer a supplementary question without notice, in which case the supplementary question may be put in the form of a fresh question at a subsequent meeting of the Council.

14. These rules, except rules 6 and 7, apply also to supplementary questions:

Provided that the President may disallow any supplementary question without giving any reason therefor.

15. The President may rule that an answer to a question in the List of Business for the day shall be given on the ground of public interest even though the question may have been withdrawn.

16. No discussion shall be permitted in respect of any question or of any answer given to a question.

17. All questions asked and the answers given shall be entered in the Proceedings of the Council:

Provided that no question which has been disallowed by the President shall be so entered.

18. The President may assign such time as, with due regard to the public interests, he may consider reasonable for the putting and answering of questions.

[See Gazette of India, 1909, Pt. I, p. 1606.]

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**Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General.**

No. 61, dated the 14th November, 1912.—In exercise of the power conferred by section 6 of the Indian Councils Act, 1909 (9 Edw. 7, c. 4), the Governor General in Council has, with the approval of the Secretary of State for India in Council, made the following Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General of India, in supersession of the Regulations published under Notification No. 14 of the Government of India in the Legislative Department, dated the 15th November, 1909, as subsequently amended.

*Regulations for the nomination and election of Additional Members of the Legislative Council of the Governor General.*

I. The Additional Members of the Legislative Council of the Governor General shall ordinarily be sixty in number, and shall consist of—

A.—Members elected by the classes specified in Regulation II, who shall ordinarily be twenty-seven in number; and

B.—Members nominated by the Governor General, who shall not exceed thirty-three in number, and whom—

(a) not more than twenty-eight may be officials, and

(b) three shall be non-official persons to be selected—

(i) one from the Indian commercial community,

(ii) one from the Muhammadan community in the Punjab, and

(iii) one from the landholders in the Punjab:

Provided that it shall not be lawful for the Governor General to nominate so many non-official persons under these Regulations that the majority of all the Members of the Council shall be non-officials.

**Elected Members.** II. The twenty-seven elected Members specified in Regulation I shall be elected as follows, namely :—

- (i) By the non-official Additional Members of the Council of the Governor of Fort St. George . . . . . 2 Members.
- (ii) By the non-official Additional Members of the Council of the Governor of Bombay . . . . . 2 Members.
- (iii) By the non-official Additional Members of the Council of the Governor of Fort William in Bengal . . . . . 2 Members.
- (iv) By the non-official Members of the Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh . . . . . 2 Members.
- (v) By the non-official Members of the Council of the Lieutenant-Governor of the Punjab . . . . . 1 Member.
- (vi) By the non-official Members of the Council of the Lieutenant-Governor of Burma . . . . . 1 Member.
- (vii) By the non-official Additional Members of the Council of the Lieutenant-Governor of Bihar and Orissa . . . . . 1 Member.
- (viii) By the non-official Members of the Council of the Chief Commissioner of Assam . . . . . 1 Member.
- (ix) By the District Councils and Municipal Committees in the Central Provinces . . . . . 1 Member.
- (x) By Landholders in the Presidency of Fort St. George . . . . . 1 Member.
- (xi) By Landholders in the Presidency of Bombay . . . . . 1 Member.
- (xii) By Landholders in the Presidency of Bengal . . . . . 1 Member.
- (xiii) By Landholders in the United Provinces of Agra and Oudh . . . . . 1 Member.
- (xiv) By Landholders in Bihar and Orissa . . . . . 1 Member.
- (xv) By Landholders in the Central Provinces . . . . . 1 Member.
- (xvi) By the Muhammadan community in the Presidency of Fort St. George . . . . . 1 Member.
- (xvii) By the Muhammadan community in the Presidency of Bombay . . . . . 1 Member.
- (xviii) By the Muhammadan community in the Presidency of Bengal . . . . . 1 Member.
- (xix) By the Muhammadan community in the United Provinces of Agra and Oudh . . . . . 1 Member.
- (xx) By the Muhammadan community in Bihar and Orissa . . . . . 1 Member.
- (xxi) By the Bengal Chamber of Commerce . . . . . 1 Member.
- (xxii) By the Bombay Chamber of Commerce . . . . . 1 Member.

In addition to the Members specified in the foregoing part of this Regulation, a second Member shall be elected at the first, third and succeeding alternate elections by the Muhammadan members of the class specified in sub-head (xiii), and at the second, fourth and succeeding alternate elections, by the class specified in sub-head (xviii).

*Explanation.*—The expression " alternate elections " shall not be deemed to include elections to fill casual vacancies.

III. The election of the Members specified in Regulation II shall be effected by the electorates, and in accordance with the procedures respectively prescribed in the Schedules to these Regulations.

IV. No person shall be eligible for election as a Member of the Ineligible Council if such person—  
candidates

- (a) is not a British subject, or
- (b) is an official, or
- (c) is a female, or
- (d) has been adjudged by a competent Court to be of unsound mind, or
- (e) is under twenty-five years of age, or
- (f) is an uncertificated bankrupt or an undischarged insolvent, or
- (g) has been dismissed from the Government service, or
- (h) has been sentenced by a Criminal Court to imprisonment for an offence punishable with imprisonment for a term exceeding six months, or to transportation, or has been ordered to find security for good behaviour under the Code of Criminal Procedure, such sentence, or order not having subsequently been reversed or remitted, or the offender pardoned, or
- (i) has been debarred from practising as a legal practitioner by order of any competent authority, or
- (k) has been declared by the Governor General in Council to be of such reputation and antecedents that his election would, in the opinion of the Governor General in Council, be contrary to the public interest:

Provided that, in cases (g), (h), (i) and (k), the disqualification may be removed by an order of the Governor General in Council in this behalf.

V. No person shall be eligible for election under any sub-head of Qualification Regulation II unless he possesses the qualifications prescribed for candidates in the Schedule regulating elections under that sub-head.  
of candi-  
dates.

VI. No person shall be qualified to vote at any election held under Disqualifica-  
these Regulations if such person—  
tions of  
voters.

- (a) is a female, or
- (b) is a minor, or
- (c) has been adjudged by a competent Court to be of unsound mind.

VII. Every person, who is elected or nominated under these Regu-  
lations to be a Member of Council, shall before taking his seat make,  
at a meeting of the Council, an oath or affirmation of his allegiance  
to the Crown, in the following form, namely:—  
Oath of  
office.

I, A. B., having been elected nominated an Additional Member of the Legislative Council of the Governor General, do solemnly swear (or affirm) that I will be faithful and bear true allegi-

ance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty of the office upon which I am about to enter.

Power to declare seats vacant.

### VIII. (1) If any person,—

- (a) not being eligible for election, is elected under these Regulations, or,
- (b) having been elected or nominated, subsequently becomes subject to any of the disabilities stated in clause (d), (f), (g.), (h) or (i) of Regulation IV, or fails to make the oath or affirmation prescribed by Regulation VII within such time as the Governor General in Council considers reasonable,

the Governor General shall, by notification in the *Gazette of India*, declare his election or nomination to be void or his seat to be vacant.

(2) When any such declaration is made, the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification, or shall nominate another person, as the case may be.

(3) If any person elected at such fresh election is not eligible for election, the Governor General may nominate any person who is eligible for election by the electorate concerned.

Candidates elected by several electorates.

IX. (1) If any person is elected by more than one electorate, he shall, by notice in writing signed by him and delivered to the Secretary to the Government of India in the Legislative Department, within seven days from the date of the publication of the result of such elections in the *Gazette of India*, choose, or in his default the Governor General shall declare, for which of these electorates he shall serve, and the choice or declaration shall be conclusive.

(2) When any such choice or declaration has been made, the votes recorded for such person in any electorate for which he is not to serve shall be deemed not to have been given, and the candidate, if any, who, except for the said votes, would have been declared elected for such electorate, shall be deemed to have been duly elected for the same.

Term of office.

X. (1) Save as otherwise provided in these Regulations, the term of office of an Additional Member shall be three years, commencing from—

(a) in the case of a nominated Member, the date of the publication in the *Gazette of India* of the notification by which he is nominated,

(b) in the case of an elected Member, the date of the publication in the *Gazette of India* of the result of the election, or, where the result of such election has been so published before the vacancy has occurred, from the date on which such vacancy occurs:

Provided that official Members and Members nominated as being persons who have expert knowledge of subjects connected with proposed

or pending legislation shall hold office for three years, or such shorter period as the Governor General may at the time of nomination determine:

Provided further that, in the event of a Legislative Council being constituted for the Central Provinces, the term of office of the Member elected by the class specified in sub-head (ix) of Regulation II shall expire on such date as the Governor General in Council may, by notification in the *Gazette of India*, direct.

(2) A Member elected or nominated to fill a casual vacancy occurring by reason of absence from India, inability to attend to duty, death, acceptance of office or resignation duly accepted, or otherwise or a Member nominated on failure of an electorate to elect an eligible person, shall hold office so long as the Member whose place he fills would have been entitled to hold office if the vacancy had not occurred.

XI. (1) When a vacancy occurs in the case of a Member who re-  
presents any interest specified in Regulation II, or at any time within  
three months of the date when such a vacancy will occur in the ordinary  
course of events, the Governor General shall, by notification as afore-  
said, call upon the electorate concerned to elect a person for the purpose  
of filling the vacancy within such time as may be prescribed by such  
notification.

(2) When a vacancy occurs in the case of a nominated Member, the Governor General may nominate any person to the vacancy:

Provided that when a casual vacancy occurs—

(a) in the case of an elected Member, the election shall always be made by the same electorate as that which elected the Member whose place is to be filled, and shall be subject to the same conditions in respect of eligibility of candidates for nomination as those which governed the election of such Member, and

(b) in the case of a Member nominated as representing any class specified in Regulation I, sub-head B, clause (b), the person nominated shall be selected from the same class.

XII. If within the time prescribed by a notification issued under Regulation VIII, clause (2), or Regulation XI, clause (1), the electorate concerned fails to elect, the Governor General may nominate at his discretion any person who is eligible for election by such electorate.

XIII. The power of making laws and regulations, and of transacting other business vested in the Legislative Council of the Governor General shall be exercised only when fifteen or more Additional Members of the Council are present.

XIV. (1) No election shall be valid if any corrupt practice is committed in connection therewith by the candidate elected. Corrupt practices.

(2) A person shall be deemed to commit a corrupt practice within the meaning of these Regulations—

(i) who, with a view to inducing any voter to give or to refrain from giving a vote in favour of any candidate, offers or

gives any money or valuable consideration, or holds out any promise of individual profit, or holds out any threat of injury, to any person, or,

- (ii) who gives, procures or abets the giving of a vote in the name of a voter who is not the person giving such vote.

And a corrupt practice shall be deemed to be committed by a candidate if it is committed with his knowledge and consent, or by a person who is acting under the general or special authority of such candidate with reference to the election.

*Explanation.*—A “promise of individual profit” includes a promise for the benefit of the person himself, or of any one in whom he is interested.

Non-compliance with rules.

XV. No election shall be invalid by reason of a non-compliance with the rules contained in the Schedules to these Regulations, or any mistake in the use of Forms annexed thereto, if it appears that the election was conducted in accordance with the principles laid down in such rules, and that such non-compliance or mistake did not affect the result of the election.

Disputes as to validity of elections.

XVI. (1) If the validity of any election is brought in question by any person qualified either to be elected or to vote at such election on the ground of the improper rejection or reception of a nomination or of a vote, or of any corrupt practice in connection with such election, or for any other cause, such person may, at any time within fifteen days from the date of the publication of the result of such election in the *Gazette of India*, apply to the Governor General in Council to set aside such election.

(2) The Governor General in Council shall, after such inquiry (if any) as he may consider necessary, declare, by notification as aforesaid, whether the candidate whose election is questioned or any other person was duly elected, or whether the election was void.

(3) If the election is declared void, the Governor General shall, by notification as aforesaid, call upon the electorate concerned to elect another person within such time as may be prescribed by such notification.

(4) If within the time so prescribed the electorate fails to elect, the Governor General may nominate any person who is eligible for election by such electorate.

XVII. The decision of the Governor General in Council on any question that may arise as to the intention, construction or application of these Regulations shall be final.

Finality of decisions.

First elections.

XVIII. (1) As soon as conveniently may be after these Regulations come into force, a Council shall be constituted in accordance with their provisions.

(2) For this purpose the Governor General shall, by notification as aforesaid, call upon the electorates referred to in Regulation III to proceed to elect Members in accordance with these Regulations within such time as may be prescribed by such notification.

(3) If within the time so prescribed any such class fails to elect, the Governor General may nominate at his discretion for a period not exceeding six months any person who is eligible for election by such class.

## SCHEDULE I.

[See Regulation II, sub-heads (i), (ii) and (iv), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER OR MEMBERS BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCILS OF THE GOVERNORS OF FORT ST. GEORGE AND BOMBAY AND OF THE LIEUTENANT-GOVERNOR OF THE UNITED PROVINCES OF AGRA AND OUDH. \*

#### *Preliminary.*

1. "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

#### *Electors.*

2. (1) The Member or Members specified in Regulation II, sub-heads (i), (ii) and (iv), shall be elected by the votes of the non-official Members of the Councils of the Governors of Fort St. George and Bombay and of the Lieutenant-Governor of the United Provinces of Agra and Oudh, respectively.

(2) Every such Member shall have one or two votes according as one or two candidates are to be elected.

(3) In the case of the election of two candidates, the Member may record both his votes in favour of one candidate.

3. On such date and at such time and place as may be appointed by the Local Government in this behalf, the non-official Members of each of the said Councils shall meet for the purpose of electing the Member or Members whom they are called upon to elect.

4. (1) At such meeting the Returning Officer shall attend, and, after explaining the rules, shall deliver to each Member present a voting paper in Form I annexed to this Schedule and shall thereafter withdraw.

(2) The Members present shall then proceed to elect from among themselves a Chairman, who shall in the first instance state the number of candidates to be elected and call upon the Members to nominate candidates.

*Qualifications of candidates.*

5. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the Province concerned and such practical connection with that Province as qualifies him to represent it, may be nominated as a candidate:

Provided that the Chairman is satisfied that such person is willing to be so nominated.

(2) Such nomination may be made by any two Members as proposer and seconder, and the names of all candidates so nominated and their respective proposers and seconders shall thereupon be entered by the Chairman in a list which shall be read out and signed by him.

*Voting.*

6. (1) If the number of candidates duly nominated does not exceed the number of candidates to be elected, the candidate or candidates so nominated shall be declared to be elected, and the Chairman shall forthwith inform the Returning Officer of the name and address of such candidate or candidates.

(2) If the number of candidates duly nominated exceeds the number of candidates to be elected, the Members present, including the Chairman, shall record their votes on the voting papers in accordance with the instructions thereon.

(3) Neglect on the part of the Member to comply with any of these instructions shall render the vote invalid.

(4) If any such Member is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Chairman shall assist him in such manner as may be necessary to do so.

7. The Chairman shall then inform the Returning Officer, who shall thereupon return to the meeting, and the Chairman shall make over to him the list of candidates nominated.

*Counting of votes and declaration of result.*

8. (1) The Returning Officer shall then collect the voting papers from the Members present, and shall examine them to see whether they have been correctly filled up.

(2) The Returning Officer shall endorse "rejected" on any voting paper which he may reject and mark "discarded" against any vote which he may discard on the ground that it is invalid under these rules, and, save as provided in rule 9 (4) or in Regulation XVI, such rejection or discarding shall be final.

(3) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line of the back, so as

to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

9. (1) The Returning Officer shall thereupon count the votes in the presence of the Members.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers, sealed as provided by rule 8, to the candidates or their representatives.

(4) If an objection is made to any voting paper or vote on the ground that it is invalid under these rules, or to the rejection or discarding by the Returning Officer of any voting paper or vote, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

10. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

11. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

12. The Returning Officer shall without delay report the result of the election to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the local official Gazette and in the *Gazette of India*.

#### *Appointment of dates, times and places.*

13. The Local Government shall appoint such date, time and place as it may think suitable for the meeting of Members under rule 3, and shall notify the same in such manner as it thinks fit.

## FORM I.

(See rule 4.)

## VOTING PAPER.

An Additional Member is to be elected to the Legislative Council of the Governor General by the non-official Members of the Legislative Council of the Governor of Fort George, Governor of Bombay, Lieut.-Govr. of the U. P. of A. and O.

Serial No.	Names of candidates.	Votes.

*Instructions.*

1. Each Member shall enter the name or names of the candidate or candidates to whom he desires to give his vote or votes.
2. Each Member has as many votes as there are Members to be elected.
3. If two Members are to be elected, a Member may give both his votes to one candidate.
4. He shall vote by placing the mark  $\times$  or the marks  $\times \times$ , as the case may be, opposite the name of the candidate or candidates to whom he desires to give his vote or votes.
5. The voting paper shall be invalid if the total number of votes recorded on it exceeds the number of Members to be elected.
6. If the mark denoting any vote is so placed that it is doubtful to which candidate such vote is given, the vote shall be invalid.
7. After voting the Member shall sign the paper at the place indicated on the back, fold it, and deliver it to the Returning Officer. Voting papers not so signed shall be invalid.

*Signature of Member.*

## SCHEDULE II.

[See Regulation II, sub-head (iii), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER OR MEMBERS BY THE NON-OFFICIAL ADDITIONAL MEMBERS OF THE COUNCIL OF THE GOVERNOR OF FORT WILLIAM IN BENGAL.

#### *Preliminary.*

1. "Returning Officer" means the Chief Secretary to the Local Government, and includes any officer deputed for the time being by the Chief Secretary to perform his duties under these rules.

#### *Electors.*

2. (1) The Member or Members specified in Regulation II, sub-head (iii), shall be elected by the votes of the non-official Additional Members of the Council of the Governor of Fort William in Bengal (hereinafter referred to as electors).

(2) Every elector shall have one or two votes according as one or two candidates are to be elected.

(3) In the case of the election of two candidates, an elector may record both his votes in favour of one candidate.

#### *Qualifications and nomination of candidates.*

3. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the Presidency of Bengal and such practical connection with that Presidency as qualifies him to represent it, may be nominated as a candidate:

Provided that the Returning Officer is satisfied that such person is willing to be so nominated.

(2) Such nomination shall be made by means of a nomination paper in Form I, annexed to this Schedule, which shall be signed by the Returning Officer, and as many such papers as there are candidates to be elected shall be sent by him by registered post, on or before such date as may be appointed by the Local Government in this behalf, to each elector then residing in India:

Provided that a nomination paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the scrutiny of nomination papers.

(3) Each nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more nomination papers than the number of candidates to be elected.

(4) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

4. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date appointed for the meeting of electors; or, if the period between the dates fixed for the scrutiny of nomination papers and the meeting of electors is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting papers the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

5. (1) On such date, not being less than three clear days before the date appointed for the meeting of electors, and at such time and place as may be appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes more nomination papers than he is entitled to do under rule 3, all such nomination papers, except the one first received by the Returning Officer, and, if two candidates are to be elected, except also the one received by him next after the one first received, shall be deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was so received, all such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

6. (1) If the number of duly nominated candidates who stand for election does not exceed the number of candidates to be elected, the Returning Officer shall forthwith declare such candidate or candidates to be elected.

(2) If the number of duly nominated candidates who stand for election exceeds the number of candidates to be elected, the Returning Officer shall forthwith publish their names and addresses in such manner

as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form II annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector then residing in India one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the meeting of electors, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

7. (1) Any elector may send his voting paper by registered post to the Returning Officer after recording his vote thereon in the manner prescribed therein, or may deliver it to the Returning Officer at the meeting of electors.

(2) Any elector may also fill up a duplicate voting paper at the meeting of electors, provided that a voting paper so filled up shall be marked as a duplicate and shall not be counted if the Returning Officer has received a voting paper previously filled up by the same elector.

(3) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign on the back thereof.

(4) Voting papers which are not received by the Returning Officer before the counting of votes shall be rejected.

#### *Meeting of electors and declaration of result.*

8. On such date and at such time and place as may be appointed by the Local Government in this behalf, the electors shall meet for the purpose of electing the Member or Members whom they are called upon to elect.

9. (1) At such meeting the Returning Officer shall attend, and shall examine the voting papers already received and those brought by any of the electors present to see whether they have been correctly filled up.

(2) Where an elector records his vote or votes on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" on any voting paper which he may reject and mark "discarded" against any vote

which he may discard on the ground that it is invalid under these rules, and shall endorse on the voting paper the grounds for such rejection or discarding; and, save as provided in rule 10 (4) or in Regulation XVI, such rejection or discarding shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

- 10. (1) The Returning Officer shall thereupon count the votes in the presence of the electors.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers, sealed as provided by rule 9, to the candidates or their representatives.

(4) If an objection is made to any voting paper or vote on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper or the discarding by him of any vote, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

11. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate or candidates to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

12. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

13. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name or names of the candidate or candidates elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

14. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the sending of nomination papers under rule 3;
- (b) the scrutiny of nomination papers under rule 5;
- (c) the sending of voting papers under rule 6; and
- (d) the meeting of electors under rule 8

**FORM I.**

(See rule 3.)

**NOMINATION PAPER.**

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

*Returning Officer*

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*Instruction.*

Nomination papers which are not received by the Returning Officer before the  
day of                    19   shall be invalid.

## FORM II.

(See rule 6.)

## VOTING PAPER.

An Additional Member is to be elected to the Legislative Council of the Governor General by the non-official Additional Members of the Legislative Council of the Governor of Fort William in Bengal. The following ( ) candidates have been duly nominated:—

Serial No.	Names of candidates.	Votes.

*Returning Officer.**Instructions.*

1. Each elector has as many votes as there are Members to be elected.
2. If two Members are to be elected, an elector may give both his votes to one candidate.
3. He shall vote by placing the mark  $\times$ , or the marks  $\times \times$ , as the case may be, opposite the name of the candidate or candidates to whom he desires to give his vote or votes.
4. The voting paper shall be invalid if the total number of votes recorded on it exceeds the number of Members to be elected.
5. If the mark denoting any vote is so placed as to render it doubtful to which candidate such vote is given, the vote shall be invalid.
6. After voting the elector shall sign the paper at the place indicated on the back, fold it, and send it to the Returning Officer by registered post, or deliver it to him at the meeting for the election. Voting papers not so signed shall be invalid.

*Signature of Elector.*

### SCHEDULE III.

[See Regulation II, sub-head (vii), and Regulation III.]

#### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE NON-OFFICIAL ADDITIONAL MEMBERS OF THE COUNCIL OF THE LIEUTENANT-GOVERNOR OF BIHAR AND ORISSA.

##### *Preliminary.*

1. "Returning Officer" means the Chief Secretary to the Local Government, and includes any officer deputed for the time being by the Chief Secretary to perform his duties under these rules.

##### *Electors.*

2. (1) The Member specified in Regulation II, sub-head (vii), shall be elected by the votes of the non-official Additional Members of the Council of the Lieutenant-Governor of Bihar and Orissa (hereinafter referred to as electors).

(2) Every elector shall have one vote.

##### *Qualifications and nomination of candidates.*

3. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the province of Bihar and Orissa and such practical connection with that province as qualifies him to represent it, may be nominated as a candidate for election:

Provided that the Returning Officer is satisfied that such person is willing to be so nominated.

(2) Such nomination shall be made by means of a nomination paper in Form I annexed to this Schedule, which shall be signed by the Returning Officer and sent by him by registered post on or before such date as may be appointed by the Local Government in this behalf to each elector then residing in India:

Provided that a nomination paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the scrutiny of nomination papers.

(3) Each nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

4. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication

delivered to the Returning Officer not less than fourteen clear days before the date appointed for the meeting of electors, or, if the period between the dates fixed for the scrutiny of nomination papers and the meeting of electors is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting papers the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

5. (1) On such date, not being less than three clear days before the date appointed for the meeting of electors, and at such time and place as may be appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was first received by him, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

6. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names and addresses in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form II annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector then residing in India one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any such elector on his applying to the Returning Officer for the same at any time before the day appointed for the meeting of electors, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

7. (1) Any elector may send his voting paper by registered post to the Returning Officer after recording his vote thereon in the manner prescribed therein, or may deliver it to the Returning Officer at the meeting of electors.

(2) Any elector may also fill up a duplicate voting paper at the meeting of electors, provided that a voting paper so filled up shall be marked as a duplicate, and shall not be counted if the Returning Officer has received a voting paper previously filled up by the same elector.

(3) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign on the back thereof.

*Meeting of electors and declaration of result.*

8. On such date and at such time and place as may be appointed by the Local Government in this behalf, the electors shall meet for the purpose of electing the Member whom they are called upon to elect.

9. (1) At such meeting the Returning Officer shall attend, and shall examine the voting papers already received and those brought by any of the electors present to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 10 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

10. (1) The Returning Officer shall thereupon count the votes in the presence of the electors.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 9 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

11. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

12. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

13. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the Gazette of India.

#### *Appointment of dates, times and places.*

14. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the sending of nomination papers under rule 3;
- (b) the scrutiny of nomination papers under rule 5;
- (c) the sending of voting papers under rule 6; and
- (d) the meeting of electors under rule 8.

**FORM I.**

*(See rule 3.)*

**NOMINATION PAPER,**

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

*Returning Officer.*

---

*Instruction.*

Nomination papers which are not received by the Returning Officer before the  
day of      19    shall be invalid.

## FORM II.

(See rule 6.)

## VOTING PAPER.

An Additional Member is to be elected to the Legislative Council of the Governor General by the non-official Additional Members of the Legislative Council of the Lieutenant-Governor of Bihar and Orissa.

Serial No.	Names of candidates.	Votes.

*Returning Officer.**Instructions.*

1. Each elector has one vote.
2. He shall vote by placing the mark  $\times$  opposite the name of the candidate to whom he desires to give his vote.
3. The voting paper shall be invalid if more than one vote is recorded on it.
4. If the mark denoting any vote is so placed that it is doubtful to which candidate such vote is given, the vote shall be invalid.
5. After voting the elector shall sign the paper at the place indicated on the back, fold it, and send it to the Returning Officer by registered post, or deliver it to him at the meeting for the election. Voting papers not so signed shall be invalid.

*Signature of Elector.*

#### SCHEDULE IV.

[See Regulation II, sub-heads (v), (vi) and (viii), and Regulation III.]

#### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE NON-OFFICIAL MEMBERS OF THE LEGISLATIVE COUNCILS OF THE LIEUTENANT-GOVERNORS OF THE PUNJAB AND BURMA, AND OF THE CHIEF COMMISSIONER OF ASSAM.

##### *Preliminary.*

1. "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

##### *Electors.*

2. (1) The Members specified in Regulation II, sub-heads (v) (vi) and (viii), shall be elected by the votes of the non-official Members of the Councils of the Lieutenant-Governors of the Punjab and Burma, and of the Chief Commissioner of Assam, respectively.

(2) Every such Member shall have one vote.

3. On such date and at such time and place as may be appointed by the Local Government in this behalf, the non-official Members of each of the said Councils shall meet for the purpose of electing the Member whom they are called upon to elect.

4. (1) At such meeting the Returning Officer shall attend, and after explaining the rules, shall deliver to each Member present a voting paper in Form I annexed to this Schedule and shall thereafter withdraw.

(2) The Members present shall then proceed to elect from among themselves a Chairman, who shall in the first instance call upon the Members to nominate candidates.

##### *Qualifications of candidates.*

5. (1) Any person not ineligible for election under these Regulations, and having a place of residence within the province concerned and such practical connection with that province as qualifies him to represent it, may be nominated as a candidate:

Provided that the Chairman is satisfied that such person is willing to be so nominated.

(2) Such nomination may be made by any two Members as proposer and seconder, and the names of all candidates so nominated and their respective proposers and seconds shall thereupon be entered by the Chairman in a list which shall be read out and signed by him.

*Voting.*

6. (1) If one candidate only is duly nominated, the candidate so nominated shall be declared to be elected, and the Chairman shall forthwith inform the Returning Officer of the name and address of such candidate.

(2) If more candidates than one are duly nominated, the Members present, including the Chairman, shall record their votes on the voting papers in accordance with the instructions thereon.

(3) Neglect on the part of the Member to comply with any of these instructions shall render the vote invalid.

(4) If any such Member is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Chairman shall assist him in such manner as may be necessary to do so.

7. The Chairman shall then inform the Returning Officer, who shall thereupon return to the meeting, and the Chairman shall make over to him the list of candidates nominated.

*Counting of votes and declaration of result.*

8. (1) The Returning Officer shall then collect the voting papers from the Members present, and shall examine them to see whether they have been correctly filled up.

(2) The Returning Officer shall mark as "rejected" voting papers which he rejects on the ground that they are invalid under these rules, and, save as provided in rule 9 (4) or in Regulation XVI, such rejection shall be final.

(3) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

9. (1) The Returning Officer shall thereupon count the votes in the presence of the Members.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 8 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer, whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

10. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any one of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

11. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

12. The Returning Officer shall without delay report the result of the election to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

13. The Local Government shall appoint such date, time and place as it may think suitable for the meeting of Members under rule 3, and shall notify the same in such manner as it thinks fit.

## FORM I.

(See rule 4.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the non-official Members of the Legislative Lieutenant-Governor of the Punjab.  
 Council of the Lieutenant-Governor of Burma.  
 Chief Commissioner of Assam.

Serial No.	Names of candidates.	Votes.

*Instructions.*

1. Each Member shall enter the name of the candidate to whom he desires to give his vote.
2. Each Member has one vote.
3. He shall vote by placing the mark  $\times$  opposite the name of the candidate to whom he desires to give his vote.
4. The voting paper shall be invalid if more than one vote is recorded on it.
5. If the mark denoting any vote is so placed that it is doubtful to which candidate such vote is given, the vote shall be invalid.
6. After voting the Member shall sign the paper at the place indicated on the back, fold it, and deliver it to the Returning Officer. Voting papers not so signed shall be invalid.

*Signature of Member.*

## SCHEDULE V.

[See Regulation II, sub-head (ix), and Regulation III.]

**RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE DISTRICT COUNCILS AND MUNICIPAL COMMITTEES IN THE CENTRAL PROVINCES.**

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Electorate.*

2. (1) The Member specified in Regulation II, sub-head (ix), shall be elected by the votes of delegates to be selected from among themselves in the manner hereinafter prescribed, by the members, other than officials appointed by name or *ex officio*, of the District Councils and Municipal Committees specified below.

(2) The number of delegates which such District Councils and Municipal Committees are entitled to select shall be as follows:—

*District Councils.*

Nagpur District . . . . .	3
Bhandara District . . . . .	1
Chanda District . . . . .	1
Wardha District . . . . .	1
Balaghat District . . . . .	1
Jabalpur District . . . . .	3
Saugor District . . . . .	1
Damoh District . . . . .	1
Seoni District . . . . .	1
Hoshangabad District . . . . .	1
Narsinghpur District . . . . .	1
Nimar District . . . . .	1
Betul District . . . . .	1
Chhindwara District . . . . .	1
Raipur District . . . . .	2
Bilaspur District . . . . .	1
Drug District . . . . .	1
<b>TOTAL . . . . .</b>	<b>22</b>

*Municipal Committees.*

Nagpur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	5
Umner	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Bhandara	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Chanda	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Wardha	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Balaghat	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Jabalpur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	3
Saugor	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2
Damoh	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Seoni	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Mandla	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Hoshangabad	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Harda	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Narsingpur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Khandwa	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Burhampur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Badnur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Chhindwara	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
Raipur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	2
Bilaspur	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	.	1
																			—
																	TOTAL	.	28
																			—

*Selection of delegates.*

3. (1) On such date as may be appointed by the Local Government in this behalf, the members abovementioned of each District Council and Municipal Committee specified in rule 2 shall meet for the purpose of selecting the number of delegates to which it may be entitled.

(2) At such meetings the Attesting Officer shall attend for the purpose of explaining the rules and shall then withdraw.

(3) The business of the meeting shall be conducted by the Chairman or President of the Council or Committee, or, in the absence of such Chairman or President, or if he is an official appointed by Government, by a Chairman elected for the purpose.

(4) The selection shall be conducted in accordance with the rules or bye-laws of the Council or Committee for the conduct of business:

Provided that a person already selected as a delegate for a District Council shall not be eligible as a delegate for a Municipal Committee, and vice versa.

(5) When the selection is complete, the Chairman or President shall deliver to the Attesting Officer a list of the delegates selected.

(6) The Attesting Officer shall without delay report to the Returning Officer the names and addresses of the delegates selected (hereinafter referred to as electors), and the said names and addresses shall be published in such manner as the Local Government may prescribe.

*Qualifications and nomination of candidates.*

4. (1) Any person not ineligible for election under these Regulations who has place of residence in the Central Provinces, and either is a member or has served at least three years as a member of any such District Council or Municipal Committee may be nominated as a candidate for election.

(2) Every nomination shall be made by means of a nomination paper in Form I annexed to this Schedule, which shall be supplied by the Attesting Officer to any member mentioned in rule 2 asking for the same.

(3) Every nomination paper shall be subscribed as proposer and seconder by two such members:

Provided that no member shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form, and without delay despatched by registered post to the Returning Officer.

5. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

6. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers; or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting papers the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

7. (1) On the date and at the time appointed by the Local Government of the scrutiny of nomination papers every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where a member subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting

Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

8. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

9. (1) On such date and at such time and place as the Local Government may appoint in this behalf, the electors desirous of recording their votes shall attend for the purpose before the Returning Officer.

(2) The Returning Officer shall thereupon deliver to each elector a voting paper in Form II annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall then sign the declaration on the back of the paper in the presence of the Returning Officer in accordance with the instructions on the face thereof, and the Returning Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Returning Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Returning Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

*Counting of votes and declaration of result.*

10. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse " rejected " with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 11 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every voting paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the elector, and shall seal down the portion thus folded with his official seal.

11. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 10 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

12. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

13. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

14. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also

to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

15. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the selection of delegates under rule 3;
- (b) the attestation of nomination papers under rule 4;
- (c) the scrutiny of nomination papers under rule 7;
- (d) the attestation of voting papers under rule 9; and
- (e) the counting of votes under rule 11.

FORM I.

(See rule 4.)

NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Address.
4. Signature of proposer.
5. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and  
who are personally known to me (*or* are identified to my satisfaction) as  
members, other than officials appointed by name or *ex officio* of the  
District Council \_\_\_\_\_ of  
Municipal Committee \_\_\_\_\_ of

*Attesting Officer.*

Date \_\_\_\_\_

*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_ and between the hours of \_\_\_\_\_ and \_\_\_\_\_, at the office of \_\_\_\_\_

## FORM II.

(See rule 9.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by Delegates of the District Councils and Municipal Committees in the Central Provinces. The following ( ) candidates have been duly nominated:—

Serial No.	Names of candidates.	Votes.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate it is intended to apply.
4. The elector shall sign the declaration on the back of the paper in the presence of the Returning Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.

I hereby declare that I am a Delegate of the District Council Municipal Committee of

*Elector.*

(*Fold on this line.*)

Signed in my presence by the elector, who is personally known  
to me satisfaction.

*Returning Officer.*

## SCHEDULE VI.

[See Regulation II, sub-head (x), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS  
IN THE PRESIDENCY OF FORT ST. GEORGE.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the *Fort St. George Gazette*, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Collector" means the District Collector.

(3) "Estate" means—

(a) any permanently settled estate or temporarily settled zamindari or any portion of such estate or zamindari, provided that such portion is separately registered in the office of the Collector;

(b) any unsettled palaiyam or jagir;

(c) any village the land-revenue of which alone has been granted in inam to a person not owning the kudivaram thereof, if such grant has been made, confirmed or recognised by British Government or any separated part of such village;

(d) any portion consisting of one or more villages of any of the estates specified in clauses (a) and (b) which is held on a permanent under-tenure.

(4) "Returning Officer" means such officer as the Local Government may, by notification in the *Fort St. George Gazette*, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

(5) "Zamindar" means the holder of an estate, and includes a person in receipt of a malikhana allowance from Government.

*Qualifications of electors.*

2. The Member specified in Regulation II, sub-head (x), shall be elected by the votes of all landholders, being persons qualified to vote and having a place of residence in the Presidency of Fort St. George, who—

(a) possess an annual income, calculated as provided in rules 3, 4, 5 and 6, of not less than fifteen thousand rupees derived from land situated within the Presidency, or

(b) received from Government a malikhana allowance the annual amount of which is not less than fifteen thousand rupees.

3. For the purposes of rule 2 the annual income of a zamindar from his estate shall be taken to be the annual rental upon which he pays land-cess under the Madras Local Boards Act, 1884, excluding the peshkash or similar charge payable by him to Government.

4. (1) For the purposes of rule 2 the annual income of landholders other than zamindars shall be calculated as follows:—

- (a) the income of ryotwari holders cultivating their own lands shall be taken to be equal to twice the assessment fixed on the land so cultivated;
- (b) the income of ryotwari holders who have leased their lands to tenants shall be taken to be equal to the assessment fixed on the land so leased;
- (c) the income of holders of inams shall be taken to be equal to the rental value on which the land-cess is calculated under section 64 of the Madras Local Boards Act, 1884, excluding the peshkash jodi, quit-rent or similar charge payable to Government;
- (d) the income of tenants of zamindars and inamholders shall be taken to be equal to two-thirds of the annual rent value of the lands held by such tenants as determined under section 64 of the Madras Local Boards Act, 1884:

Provided that to the income of tenants holding land free of rent or at a favourable rent calculated as provided in clause (d) there shall be added the difference between the rent (if any) actually charged and the rent ordinarily payable, for land of similar description and with similar advantages in the village or in neighbouring villages; and

- (e) the income of sub-tenants shall be taken to be equal to half the income as determined for the superior tenant.

(2) If, in any case, a separate water-rate or second-crop charge is payable to Government or to a superior holder in respect of any land, such water-rate and charge shall be regarded as forming part of the assessment or rental value, as the case may be, in calculating income under this rule:

Provided that a landholder who collects water-rate or second-crop charge from another person on behalf of Government is not entitled to have anything so collected taken into account when his income is fixed under this rule or rule 3.

(3) If, in any case, it is not possible to calculate income from land in accordance with rule 3 or sub-rule (1) of this rule, the Collector shall determine such income for the purposes of these rules upon the best information available.

5. In all cases under rule 3 and rule 4, the annual income shall be calculated on the figures of the latest fasli year for which figures are available or, in cases where figures for the fasli year are not available, then, proportionately, on the figures of the latest period for which figures are available.

6. (1) In calculating the annual income of all landholders for the purposes of rule 2—

- (a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a malikhana allowance;
- (b) subject to the provisions of clause (a), incomes derived from more than one parcel of land, however held, may be reckoned together:

Provided that, in the case of land referred to in rule 13, sub-rule (2), and rule 14 the income derived therefrom shall not be added to any income derived from other land unless the holder of the latter has been nominated, or is entitled, under those rules to represent the joint-holders or family in respect of the former land.

(2) In no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account.

7. No person shall be entitled to vote except in the district in which he resides, and he shall not be entered in the electoral roll under any other district.

8. No elector shall have more than one vote though he may possess more than one of the qualifications above described.

#### *Electoral roll.*

9. (1) During the month of July in each year the Returning Officer shall prepare and publish in the *Fort St. George Gazette* and in the official Gazette of each district concerned a draft electoral roll in Form I annexed to this Schedule, together with a notice stating that any objection relating to entries in or omissions from the electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.

(2) Such Collector shall fix a place and a date not later than the 30th of September for hearing objections to the electoral roll, and shall give notice of the place and date so fixed to all persons concerned in such manner as the Local Government may prescribe.

(3) The Collector may, before the date fixed by him under sub-rule (2) of his own motion, revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.

(4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him of his own motion.

(5) On the 1st of October the Collector shall send a copy of the electoral roll as revised to the Returning Officer.

(6) The Returning Officer shall publish the final electoral roll in the *Fort St. George Gazette* and in the official Gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.

(7) The Local Government may, from time to time by notification in *Fort St. George Gazette* and the official Gazettes of the districts concerned, alter the dates specified in this rule.

10. The electoral roll in force at the date of the notification issued by the Governor General under these Regulations calling upon the electorate to elect a Member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election.

11. (1) A person who is nominated, or entitled, under rule 13, sub-rule (2), or rule 14, to represent a group of joint-owners or a joint-family, and who is himself possessed of a separate property qualification which entitles him to vote, may elect whether to be entered in the electoral roll in his representative or in his separate capacity.

(2) Every such person shall be entered in one such capacity only and under the district in which he resides.

12. Except as expressly provided in these rules, no person claiming to vote on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility to vote unless the land from which the income is derived stands registered in such register in his name.

13. (1) Where land is registered in the name of a single holder, the name of that holder alone shall be entered in the electoral roll.

(2) Where several persons are registered as joint-holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is qualified to vote to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll under the district in which he resides, and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

*Explanation.*—Land registered under section 14 of the Malabar Land Registration Act, 1896, in the joint names of the registered proprietor and another person is not land registered in the names of joint-holders within the meaning of this rule.

14. (1) Where the property of a tarwad or similar joint-family under the Marumakkatayam or Aliyasantana law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder to vote, the senior male member of the family shall, if he is qualified to vote, be entered in the electoral roll under the district in which he resides as the representative of the family for voting purposes.

(2) If the senior male member is not so qualified, no entry shall be made in the roll in respect of the property possessed by the family.

15. Except as hereinbefore provided, no person shall be entitled to have his name entered in the electoral roll unless he possesses the prescribed property qualification in his own personal right and not in a fiduciary capacity.

*Qualifications and nomination of candidates.*

16. (1) Any person not ineligible for election under these Regulations, whose name is on the electoral roll, may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

17. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

18. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the Attesting Officer, who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

19. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

#### *Voting.*

20. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

21. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll, and on such date and at such time as may be appointed by the Local Government in this behalf.

(2) The Attesting Officer shall thereupon deliver to each elector a voting paper in Form III annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there mark his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

22. (1) The Attesting Officer shall, at the close of the day appointed for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(2) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list in Form IV annexed to this Schedule of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

23. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 24 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

24. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 23 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

25. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot

to be drawn in the presence of the Returning Officer and in such manner as he may determine.

26. Upon the completion of the counting and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

27. The Returning Officer shall without delay report the result of the election to the Secretary to the Government of Madras in the Legislative Department and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the *Fort St. George Gazette* and in the *Gazette of India*.

*Appointment of dates, times and places.*

28. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the attestation of nomination papers under rule 16;
- (b) the scrutiny of nomination papers under rule 19;
- (c) the attestation of voting papers under rule 21; and
- (d) the counting of votes under rule 24.



FORM II.

(See rule 16.)

NOMINATION PAPER.

1. Name of candidate.
2. Name of father, karnavan or ejman.
3. Age.
4. Address.
5. Place of residence.
6. District under which the name of the candidate is entered in the electoral roll.
7. Number borne by candidate on the general electoral roll.
8. Signature of proposer.
9. Signature of seconder.

Signed in my presence on the        day of                      19  
by                  and                  who are personally known to me (or who have  
been identified to my satisfaction) as electors Nos.                  and                  in  
the extract relating to this district from the electoral roll of Landholders  
in the Presidency of Fort St. George for the election of an Additional  
Member to the Legislative Council of the Governor General.

STATION.

*Attesting Officer.*

DISTRICT.

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*Instructions.*

1. Nomination papers must be attested by an Attesting Officer. Those not so attested are invalid.
  2. They must be presented for attestation on the        day of                      19  
and between the hours of                  and                  at the office of                  .
-

## FORM III.

(See rule 21.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in the Presidency of Fort St. George. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Votes.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  $\times$  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  $\times$  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in the envelope to be supplied by him for the purpose between the hours of      and      on the      day of      19 .

I hereby declare that I am the person whose name appears as [ ] No. on the electoral roll of Landholders in the Presidency of Fort St. George for the election of an Additional Member to the Legislative Council of the Governor General.

C. N.,

*Elector.*

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*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

X. Y.,

*Attesting Officer.*

## FORM IV.

(See rule 22.)

## LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Address.

*Attesting Officer.*

## SCHEDULE VII.

[See Regulation II, sub-head (xi), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS IN THE PRESIDENCY OF BOMBAY.

1. The Member specified in Regulation II, sub-head (xi), shall be elected in the order of rotation hereinafter specified by such—

- (a) Jagirdars and Zamindars of Sind,
- (b) Sardars of Gujarat, and
- (c) Sardars of the Deccan,

as are qualified to vote for the election of Additional Members of the Legislative Council of the Governor of Bombay.

2. The order of rotation in which each of the three abovementioned classes of landholders shall exercise its right of election shall be as follows, namely :—

- (1) the Sardars of Gujarat;
- (2) the Jagirdars and Zamindars of Sind ;
- (3) the Sardars of the Deccan ;
- (4) the Jagirdars and Zamindars of Sind ;

and thereafter in the same order of rotation.

3. The rules for the election of an Additional Member of the Legislative Council of the Governor of Bombay by each of the abovementioned classes shall apply with necessary modifications to the election by such class of a Member under this Schedule.

4. The result of the election in each case shall be reported to the Secretary to the Government of India in the Legislative Department, as well as to the Secretary of the Legislative Council of the Governor of Bombay, and the name of the candidate elected shall be published in the *Gazette of India* as well as in the local official Gazette.

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## SCHEDULE VIII.

[See Regulation II, sub-head (xii), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS IN THE PRESIDENCY OF BENGAL.

#### *Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer for the time being deputed by the Attesting Officer

to perform such duties by an order in writing of which a copy shall be sent to the Returning Officer.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. The election of the Member specified in Regulation II, sub-head (xii), shall be made by landholders qualified to vote and having a place of residence within the Presidency of Bengal, who—

(a) pay land-revenue or road and public works cesses, as follows :—

(i) in the case of the Presidency and Burdwan Divisions, land-revenue amounting to not less than ten thousand rupees, or road and public works cesses amounting to not less than two thousand five hundred rupees per annum ;

(ii) in the case of the Rajshahi, Dacca and Chittagong Divisions, land-revenue amounting to not less than five thousand rupees, or road and public works cesses amounting to not less than one thousand two hundred and fifty rupees per annum ; or

(b) before the date of this notification held titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab :

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, a draft electoral roll for each Division in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) Any landholder whose name does not appear in any such draft, and who claims to have his name included therein, and any person who objects to the entry of any name in such draft, may, within fifteen days after the publication of the draft under sub-rule (1) of this rule, forward to the Returning Officer, either direct or through the District Magistrate of the district in which he resides, or, if such landholder or person resides in Calcutta, through the Chief Presidency Magistrate, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered by the Returning Officer, shall be published by him in the local official Gazette.

(5) As soon as may be after the publication of the roll for any Division in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every District Magistrate in such Division and, in the case of the Presidency Division, also at the office of the Chief Presidency Magistrate.

\* 4. In determining the eligibility of a landholder as an elector—

- (a) only such estates and shares of estates as are held by him as proprietor in his own right and not in a fiduciary capacity, and are registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates or shares are situated in one or more Divisions, shall be taken into account;
- (b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share, and his decision shall be final;
- (c) if a landholder pays land revenue or cesses in respect of estates or shares in estates situated in two or more Divisions, and if his payments in none of such Divisions reach the amount prescribed for that Division, his payments in all the Divisions shall be aggregated, and if such aggregate equals or exceeds the amount prescribed for the Division in which he makes the largest payment, he shall be entitled to be entered in the electoral roll for that Division.

5. The electoral rolls shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

6. (1) The electoral rolls published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified any landholder whose name does not appear on any of the said electoral rolls and who claims to have his name included therein and any person who objects to the entry of any name in any such roll, may, within fifteen days after the publication of the notification under the last sub-rule, forward to the Returning Officer either direct or through the District Magistrate of the district in which he resides or, if such landholder or person resides in Calcutta, through the Chief Presidency Magistrate, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Qualifications and nomination of Candidates.*

7. (1) Any person not ineligible for election under these Regulations whose name is on any of the electoral rolls may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Returning Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on or before the date and at the time appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

(5) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

8. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers; or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

9. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

10. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form III annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer or the District Magistrate for the same at any time on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

(4) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 P.M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(5) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(8) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post, in a packet securely sealed with his official seal.

(9) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

11. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 11 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain

the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

15. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

16. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the publication of drafts and electoral rolls under rule 3;
- (b) the revision of the electoral rolls under rule 6;
- (c) the attestation of nomination papers under rule 7;
- (d) the scrutiny of nomination papers under rule 9;
- (e) the sending of voting papers under rule 10;
- (f) the attestation of voting papers under rule 10; and
- (g) the counting of votes under rule 12.

## FORM I.

(See rule 3.)

ELECTORAL ROLL OF LANDHOLDERS FOR THE DIVISION IN  
 BENGAL FOR THE ELECTION OF AN ADDITIONAL MEMBER TO THE LEGIS-  
 LATIVE COUNCIL OF THE GOVERNOR GENERAL.

Serial No.	District.	Name of elector.	Father's name.	Address of elector.	Qualifications.
1	2	3	4	5	6

## FORM II.

(See rule 7.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_, who are personally known to me (or who have been identified to my satisfaction) as electors Nos. \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Landholders for the \_\_\_\_\_ Division in Bengal for the election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.**Dated the**(Official designation.)**Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation at \_\_\_\_\_ on or before the \_\_\_\_\_ day of \_\_\_\_\_ and between the hours of \_\_\_\_\_ and \_\_\_\_\_.

## FORM III.

(See rule 10.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in Bengal. The following ( ) candidates have been duly nominated:—

Serial No.	Names of candidates.	Vote.

*Returning Officer.**Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  is placed opposite the name of more than one candidate or, if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in an envelope on or before the      day of 19      and between the hours of      and

I hereby declare that I am the person whose name appears as  
No.           on the electoral roll of Landholders for the  
Division in Bengal for the election of an Additional Member  
to the Legislative Council of the Governor General.

E. N.,  
*Elector.*

---

(*Fold on this line.*)

Signed in my presence by the elector, who is personally known to me  
(or who has been identified to my satisfaction).

X. Y.,  
*Attesting Officer.*  
(*Official designation.*)

*Dated the*

**FORM IV.**

(See rule 10.)

LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Father's name.	Address of elector.
1	2	3	4

*Attesting Officer.  
(Official designation.)*

## SCHEDULE IX.

[See Regulation II, sub-head (xiii), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS IN THE UNITED PROVINCES OF AGRA AND OUDH.

#### *Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Firm" means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force.

(3) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

2. (1) In the case of the second, fourth and succeeding alternate elections the Member specified in Regulation II, sub-head (xiii), shall be elected by the landholders of the Province of Oudh.

(2) In the case of the first, third and succeeding alternate elections—

(a) the Member specified in Regulation II, sub-head (xiii), shall be elected by the landholders of the Province of Agra, and

(b) the second Member specified in the said Regulation in connection with sub-head (xiii) shall be elected by Muhammadans entitled to vote as landholders in the Provinces of Oudh and Agra.

*Explanation.*—The expression "alternate elections" shall not be deemed to include elections to fill casual vacancies.

#### *A.—Elections by Landholders in the Province of Oudh.*

3. (1) The election of the Member specified in rule 2, sub-rule (1), shall be made by the British Indian Association of Oudh at an extraordinary general meeting in the manner laid down for the time being in the bye-laws of the said Association for carrying resolutions or recording decisions upon questions of business brought before that body:

Provided that, where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn at such meeting and in such manner as the Chairman thereof may determine.

(2) The result of the election shall be forthwith communicated by the said Association to the Chief Secretary to the Local Government and to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

4. Any person not ineligible for election under these Regulations and having a place of residence in the Province of Oudh who is a member of the British Indian Association of Oudh may be elected under rule 3.

*B.—Elections by Landholders in the Province of Agra.*

*Qualifications of electors.*

5. The election of the Member specified in rule 2, sub-rule (2), clause (a), shall be made by all persons qualified to vote and having a place of residence in the Province of Agra, who—

- (a) own in that Province land in respect of which land-revenue amounting to not less than ten thousand rupees per annum is payable, or
- (b) own in that Province land free of land-revenue if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either taken by itself or in addition to land-revenue payable in respect of other land by such owners, amounts to not less than ten thousand rupees per annum, or
- (c) hold the title of Maharaja, Raja or Nawab conferred or recognised by the Government, or
- (d) hold the title of Rajwar, Rao Bahadur, Rao, Rai, Mirza Bahadur, Mirza, Khan Bahadur, Chaudri, or Diwan if hereditary and recognised by the Government:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

6. (1) On or before such date as may be appointed by the Local Government in this behalf, an electoral roll in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) In the case of a Hindu joint-family or of a firm or company qualified under rule 5, clause (a) or clause (b), the name of the manager of the family or of any person duly authorised in writing in this behalf by the firm or company shall be entered in the roll as the representative for the purposes of the roll of such family, firm or company, as the case may be.

(3) In determining the eligibility of a Landholder as an elector, only land-revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

(4) As soon as may be after the publication of the roll in the local official Gazette, an extract from the electoral roll relating to each district shall be posted in a conspicuous place at the office of the District Magistrate for such district.

7. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

8. (1) The electoral roll published under rule 6 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At any time so notified the District Magistrate may of his own motion, and shall on the application of any person whose name appears on the said roll or who claims to have his name inserted therein, revise the said roll so far as it relates to his district.

(3) On such revision the District Magistrate, after such inquiry and after hearing such persons as may be necessary, may order any addition to or alteration in the electoral roll.

(4) An appeal shall lie from any such order of the District Magistrate to the Commissioner of the division, whose decision shall be final.

(5) Such appeal, if any, shall be preferred within one week from the date of the order appealed against:

Provided that the Commissioner may, for sufficient reason, extend the time to a period not exceeding three weeks.

(6) As soon as may be after the expiry of the period for appealing or, if an appeal is preferred, after the appeal has been disposed of, the roll, as added to or altered on such revision, shall be published and posted as provided in rule 6.

*Qualifications and nomination of candidates.*

9. (1) Any person not ineligible for election under these Regulations whose name is on the electoral roll may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

10. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

11. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the Attesting Officer, who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

12. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

13. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

14. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll and on such date and at such time as may be appointed by the Local Government in this behalf.

(2) The Attesting Officer shall thereupon deliver to each elector a voting paper in Form III annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there mark his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

15. (1) The Attesting Officer shall, at the close of the day appointed for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(2) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

#### *Counting of votes and declaration of result.*

16. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse " rejected " with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 17 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

17. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 16 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

18. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

19. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

20. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

#### *Appointment of dates, times and places.*

21. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

(a) the publication of the electoral roll under rule 6;

(b) the attestation of nomination papers under rule 9;

(c) the scrutiny of nomination papers under rule 12;

(d) the attestation of voting papers under rule 14; and

(e) the counting of votes under rule 17.

*C.—Elections by Muhammadans entitled to vote as Landholders  
in Oudh and Agra.*

22. The election of the Member specified in rule 2, sub-rule (2), clause (b), shall be made by all Muhammadans who are—

- (a) members of the British Indian Association of Oudh, or
- (b) entitled to vote under the provisions of rule 5.

23. The provisions of rules 6 to 21, both inclusive, shall apply, with the necessary modifications, to elections under rule 22.

**FORM I.**

(See rule 6.)

**ELECTORAL ROLL OF LANDHOLDERS IN THE PROVINCE OF AGRA FOR THE  
ELECTION OF AN ADDITIONAL MEMBER TO THE LEGISLATIVE COUNCIL OF  
THE GOVERNOR GENERAL.**

Serial No. on roll.	Serial No. on district list.	Name of elector.	Father's name.	Address.	Qualifications.
1	2	3	4	5	6

### *Instructions.*

1. The roll shall be prepared by districts, each elector's name being entered under the district in which he resides.
  2. In the case of an elector qualified under rule 5 (a) or 5 (b) who pays land-revenue or holds land free of revenue in more than one district, details of the land-revenue payable or nominally assessed in each district shall be entered in column 6, where the land-revenue payable or nominally assessed in any one district does not exceed ten thousand rupees.
  3. In determining the eligibility of a landholder as an elector, only land-revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

## FORM II.

(See rule 9.)

## NOMINATION PAPER.

1. Name of candidate.

2. Father's name.

3. Age.

4. Address.

5. Signature of proposer.

6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_ who  
 are personally known to me (*or* who have been identified to my satisfaction) as being the persons whose names appear as \_\_\_\_\_ and \_\_\_\_\_  
 on the electoral roll of Landholders in the Province of Agra for the  
 election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.**Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.

2. They shall be presented for attestation on the \_\_\_\_\_ day of \_\_\_\_\_, and between the hours of \_\_\_\_\_ and \_\_\_\_\_ at the office of \_\_\_\_\_.

## FORM III.

(See rule 14.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in the Province of Agra. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in an envelope on or before the      day of      19      and between the hours of      and

I hereby declare that I am the person whose name appears as [  
] No. on the electoral roll of Landholders in the  
Province of Agra for the election of an Additional Member to the Legisla-  
tive Council of the Governor General.

C. N.,

*Elector.*

*(Fold on this line.)*

Signed in my presence by the elector, who is personally known to me  
(or who has been identified to my satisfaction).

X. Y.,

*Attesting Officer.*

## FORM IV.

(See rule 15.)

## LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Address.

*Attesting Officer.*

## SCHEDULE X.

[See Regulation II, sub-head (xiv), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY LANDHOLDERS IN BIHAR AND ORISSA.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer for the time being deputed by the Attesting Officer to perform such duties by an order in writing of which a copy shall be sent to the Returning Officer.

(2) "Firm" means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force.

(3) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. The election of the Member specified in Regulation II, sub-head (xiv), shall be made by landholders qualified to vote and having a place of residence within the Province of Bihar and Orissa, who—

(a) pay land-revenue amounting to not less than ten thousand rupees, or road and public works cesses amounting to not less than two thousand five hundred rupees per annum; or

(b) before the date of this Notification held titles conferred or recognised by the Government not lower in rank than that of Raja or Nawab:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, a draft electoral roll for each Division in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) Any landholder whose name does not appear in any such draft, and who claims to have his name included therein, and any person who objects to the entry of any name in any such draft, may, within fifteen days after the publication of the draft under sub-rule (1), forward to the Returning Officer, either direct or through the District Magistrate

of the district in which he resides, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered by the Returning Officer, shall be published by him in the local official Gazette.

(5) As soon as may be after the publication of the roll for any Division in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every District Magistrate as such division.

**4. (1) In determining the eligibility of a landholder as an elector—**

(a) only such estates and shares of estates as are held by him as proprietor in his own right and not in a fiduciary capacity, and are registered in his own name in registers maintained under the Land Registration Act, 1876, whether such estates or shares are situated in one or more Divisions, shall be taken into account.

(b) if the amount paid by the landholder in respect of any such share of an estate is not definitely known, the District Officer of the district in which such estate is situated shall estimate the amount so paid in respect of such share, and his decision shall be final;

(c) if a landholder pays land-revenue or cesses in respect of estates or shares in estates situated in two or more Divisions, and if his total payments reach the amount prescribed in rule 2, he shall be entitled to be entered in the electoral roll for the Division in which he makes the largest payments.

(2) In the case of a Hindu joint-family or of a firm or company qualified under rule 2 the name of the manager of the family, or of any person duly authorised in writing in this behalf by the firm or company, shall be entered in the roll as the representative for the purposes of the roll of such family, firm or company, as the case may be.

5. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

6. (1) The electoral rolls published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified any landholder whose name does not appear on any of the said electoral rolls, and who claims to have his name included therein, and any person who objects to the entry of any name in any such roll, may, within fifteen days after the publication of the notification under sub-rule (1), forward to the Returning Officer,

either direct or through the District Magistrate of the district in which he resides, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims or objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral rolls, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Qualifications and nomination of candidates.*

7. (1) Any person not ineligible for election under these Regulations whose name is on any of the electoral rolls may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on or before the date and at the time appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

(5) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

8. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers; or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

9. (1) On the date and at the time appointed by the Local Government for scrutiny of nomination papers, every candidate and his pro-

poser and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

#### *Voting.*

10. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form III annexed to the Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post each elector one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer or the District Magistrate for the same at any time on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

(4) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 P.M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(5) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and, after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(8) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post, in a packet securely sealed with his official seal.

(9) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

11. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 11 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

15. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

16. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the publication of drafts and electoral rolls under rule 3;
- (b) the revision of the electoral roll under rule 6;
- (c) the attestation of nomination papers under rule 7;
- (d) the scrutiny of nomination papers under rule 9;
- (e) the sending of voting papers under rule 10;
- (f) the attestation of voting papers under rule 10; and
- (g) the counting of votes under rule 12.

## FORM I.

(See rule 3.)

ELECTORAL ROLL OF LANDHOLDERS FOR THE DIVISION IN  
 BIHAR AND ORISSA FOR THE ELECTION OF AN ADDITIONAL MEMBER TO  
 THE LEGISLATIVE COUNCIL OF THE GOVERNOR GENERAL.

Serial No.	District.	Name of elector.	Father's name.	Address of elector.	Qualifications.
1	2	3	4	5	6

FORM II.

(See rule 7.)

NOMINATION PAPER.

1. Name of candidate.

2. Father's name.

3. Age.

4. Address.

5. Signature of proposer.

6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_,  
who are personally known to me (*or* who have been identified to my  
satisfaction) as electors Nos. \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll  
of Landholders for the \_\_\_\_\_ Division in Bihar and Orissa for  
the election of an Additional Member to the Legislative Council of the  
Governor General.

Attesting Officer.

(Official designation.)

Dated the \_\_\_\_\_

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Instructions.

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested  
shall be invalid.

2. They shall be presented for attestation at \_\_\_\_\_ on or before the \_\_\_\_\_ day of  
19 \_\_\_\_\_ and between the hours of \_\_\_\_\_ and \_\_\_\_\_.

## FORM III.

(See rule 10.)

## VOTING PAPERS.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Landholders in Bihar and Orissa. The following ( ) candidates have been duly nominated :—

Serial No.	Name of candidates.	Votes.

*Returning Officer.**Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting officer enclosed in an envelope on or before the      day of      19  
and between the hours of      and      .

I hereby declare that I am the person whose name appears as  
No. on the electoral roll of Landholders for the  
Division in Bihar and Orissa for the election of an Additional  
Member to the Legislative Council of the Governor General.

(*Fold on this line.*)

Signed in my presence by the elector, who is personally known to me  
(or who has been identified to my satisfaction).

*Attesting Officer.*

(*Official designation.*)

*Dated the*

## FORM IV.

(See rule 10.)

## LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me :—

Serial No.	Name of elector.	Father's name.	Address of elector.
1	2	3	4

*Attesting Officer.**(Official designation.)*

## SCHEDULE XI.

[See Regulation II, sub-head (xv), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE LAND-HOLDERS IN THE CENTRAL PROVINCES.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. (1) The Member specified in Regulation II, sub-head (xv), shall be elected by the votes of delegates to be selected in the manner herein-after prescribed by all persons qualified to vote and having a place of residence in the Central Provinces who hold in those Provinces in proprietary right and—

- (a) whose land is assessed to land-revenue at not less than five thousand rupees per annum; or
- (b) whose names are entered in the Durbar list prepared under the authority of the Local Government; or
- (c) who hold the office of Honorary Magistrate:

Provided that no person shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, an electoral roll in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) In the case of a Hindu joint-family qualified under rule 2, clause (a), the name of the manager of the family, or of any member of the family whom the manager may appoint in writing in this behalf, shall be entered in the roll as the representative, for the purposes of the roll, of such family.

(3) In determining the eligibility of a landholder as an elector, only land-revenue assessed on such land or share in land as he may hold in his own personal right not in fiduciary capacity shall be taken into account.

(4) A person who is qualified as an elector for two or more districts may choose the district in which he desire to vote, but shall not be entitled to have his name entered in the electoral roll of more than one district.

(5) As soon as may be after the publication of the roll in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every Deputy Commissioner.

4. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

### *Revision of electoral roll.*

5. (1) The electoral roll published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified the Deputy Commissioner may of his own motion, and shall on the application of any person whose name appears on the said roll or who claims to have his name inserted therein, revise the said roll so far as it relates to his district.

(3) On such persons as may be necessary, may order any additional hearing in the electoral roll.

(4) An appeal shall lie from any such order of the Deputy Commissioner to the Commissioner of the division, whose decisions shall be final.

(5) Such appeal, if any, shall be preferred within one week from the date of the order.

Provided, however, that the Commission may, for sufficient reason, extend the time for filing such a complaint for three weeks.

(6) As soon as possible, however, that the Commission extend the time to a period not exceeding the period for appealing a decision which has been disposed of, the

(6) As soon as may be after the expiry of or, if an appeal is preferred, after the disposal of such appeal, the report shall be published.

(c) As soon as may be after the expiry of or, if an appeal is preferred, after the appeal has been disposed of, the electoral roll, as added to or altered on such day, shall be published and posted as provided by law.

(c) As soon as may be after the expiry of or, if an appeal is preferred, after the appeal has been disposed of, the electoral roll, as added to or altered on such revision, shall be published and posted as provided in rule 3.

### *Selection of delegates*

6. The number of delegates to be selected for each district shall be as follows:—

Jabalpur District . . . . .	4
Saugor District . . . . .	3
Damoh District . . . . .	1
Seoni District . . . . .	1
Mandla District . . . . .	1
Hoshangabad District . . . . .	3
Narsinghpur District . . . . .	3
Nimar District . . . . .	2
Betul District . . . . .	1
Chhindwara District . . . . .	1
Raipur District . . . . .	3
Bilaspur District . . . . .	2
Drug District . . . . .	3
<b>TOTAL . . . . .</b>	<b>40</b>

7. On such date and at such time as may be appointed by the Local Government in this behalf, the persons whose names are entered in the electoral roll of each district shall meet at the headquarters of that district for the purpose of selecting from among themselves the number of delegates specified in rule 6.

8. (1) At such meeting the Attesting Officer shall attend, and, after explaining the rules, shall sign and deliver to each elector present a voting paper in Form II hereto annexed, and shall thereafter withdraw.

(2) The electors present shall then proceed to elect from among themselves a Chairman, who shall in the first instance state the number of delegates to be selected, and call upon such electors or nominate persons up to that number.

9. (1) Any person whose name is on the electoral roll may be nominated for selection as a delegate by any two other such persons as proposer and seconder, and the names of all persons so nominated and their respective proposers and seconds shall thereupon be entered by the Chairman in a list which shall be read out and signed by him.

(2) If the number of persons nominated does not exceed the number of delegates assigned to the district as aforesaid, such persons shall be deemed to be selected as delegates, and the Chairman shall forthwith inform the Attesting Officer of their names and addresses.

(3) If the number of persons nominated exceeds the number of delegates assigned as aforesaid, the electors present, including the Chairman, shall record their votes in the manner prescribed in the voting paper, and deliver the voting papers to the Chairman.

10. (1) The Chairman shall then inform the Attesting Officer, who shall thereupon return to the meeting, and the Chairman shall make over to him the list of candidates nominated, together with the voting papers.

(2) The Attesting Officer shall then examine the voting papers and count the votes in the presence of the electors, and shall endorse "rejected" on any voting paper which he may reject, and mark "discarded" against any vote which he may discard on the ground that it does not comply with the instructions on the voting paper.

11. (1) When the counting of the votes has been completed, the Attesting Officer shall forthwith declare the candidate or candidates to whom the largest numbers of votes have been given to be selected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared selected, the determination of the person or persons to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Attesting Officer and in such manner as he may determine.

12. Upon the completion of the counting, and after the result has been declared by him, the Attesting Officer shall seal up the voting papers and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

13. The Attesting Officer shall without delay report to the Returning Officer the names and addresses of the delegates selected, and the said names and addresses shall be published in such manner as the Local Government may prescribe.

*Qualifications and nomination of candidates.*

14. (1) Any person not ineligible for election under these Regulations whose name is on the electoral roll may be nominated as a candidate.

(2) Such nomination shall be made by means of a nomination paper in Form III annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

15. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

16. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days

before the dates fixed for the attestation of voting papers, or if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify any such withdrawal in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

17. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

18. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

19. (1) On such date and at such time and place as the Local Government may appoint in this behalf, the delegates desirous of recording their votes shall attend for the purpose before the Returning Officer.

(2) The Returning Officer shall thereupon deliver to each delegate a voting paper in Form IV annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The delegate shall then sign the declaration on the back of the paper in the presence of the Returning Officer in accordance with the

instructions on the face thereof, and the Returning Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The delegate shall then proceed to a place screened from observation, which shall be provided by the Returning Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The delegate shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Returning Officer.

(6) Neglect on the part of the delegate to comply with any of these instructions shall render the vote invalid.

(7) If a delegate is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Returning Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

*Counting of votes and declaration of result.*

20. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up..

(2) Where a delegate records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse " rejected " with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 21 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every voting paper, whether valid or invalid, along the dotted line on the back, so as to conceal the name of the delegate, and shall seal down the portion thus folded with his official seal.

21. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 20 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

22. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

23. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

24. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates; times and places.*

25. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the publication of the electoral roll under rule 3;
- (b) the selection of delegates under rule 7;
- (c) the attestation of nomination papers under rule 14;
- (d) the scrutiny of nomination papers under rule 17;
- (e) the attestation of voting papers under rule 19; and
- (f) the counting of votes under rule 21.

## FORM I.

(See rule 3.)

ELECTORAL ROLL OF LANDHOLDERS IN THE CENTRAL PROVINCES FOR THE  
ELECTION OF AN ADDITIONAL MEMBER TO THE LEGISLATIVE COUNCIL  
OF THE GOVERNOR GENERAL.

DISTRICT.

1	2	3	4	5
Serial No.	Name of elector.	Father's name.	Address.	Qualifications.

## FORM II.

(See rule 8.)

## VOTING PAPER.

Delegate is Delegates are to be selected by the Landholders of the District

Serial No.	Names of candidates.	Votes.

*Attesting Officer.*

### *Instructions*

1. Each elector shall enter the name or names of the candidate or candidates to whom he desires to give his vote or votes.
  2. Each elector has as many votes as there are delegates to be selected.
  3. If he has more votes than one, he may give all his votes to one candidate or may distribute them in any manner he thinks fit among the candidates.
  4. He shall vote by placing, or causing to be placed, opposite the name or names of the candidate or candidates, the mark  $\times$  or as many such marks as the number of votes which he desires to give to such candidate.
  5. The voting paper will be rejected if the total number of votes recorded on it exceeds the number of delegates to be selected.
  6. If the mark denoting any vote is so placed as to render it doubtful to which candidate such mark is intended to apply, the vote will be discarded.

FORM III.

(See rule 14.)

NOMINATION PAPERS.

1. Name of candidate.

2. Father's name.

3. Address.

4. Signature of proposer.

5. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_, who are personally known to me (or who have been identified to my satisfaction) as being the persons whose names appear as \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Landholders in the Central Provinces for the election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.*

Date

---

*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.

2. They shall be presented for attestation on the \_\_\_\_\_ day of \_\_\_\_\_ and between the hours of \_\_\_\_\_ and \_\_\_\_\_, at the office of \_\_\_\_\_.

## FORM IV.

(See rule 19.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by Delegates selected by Landholders in the Central Provinces. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each delegate has one vote.
2. He shall vote by placing, or causing to be placed, the mark  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. The delegate shall sign the declaration on the back of the paper in the presence of the Returning Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.

I hereby declare that I am a Delegate for the election of an Additional Member to the Legislative Council of the Governor General by the Landholders in the Central Provinces.

C. N.,  
*Delegate.*

(*Fold on this line.*)

Signed in my presence by the Delegate, who is personally known to me (*or who has been identified to my satisfaction*).

X. Y.,  
*Returning Officer.*

## SCHEDULE XII.

[See Regulation II, sub-head (*xvi*), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE MUHAMMADAN COMMUNITY IN THE PRESIDENCY OF FORT SAINT GEORGE.

#### *Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the *Fort St. George Gazette*, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Collector" means the District Collector.

(3) "Estate" means—

(a) any permanently settled estate or temporarily settled Zamindari or any portion of such estate or Zamindari provided that such portion is separately registered in the office of the Collector;

(b) any unsettled palaiyam or jagir;

(c) any village the land-revenue of which alone has been granted in inam to a person not owning the kudivaram thereof, if such grant has been made, confirmed or recognised by the British Government or any separated part of such village;

(d) any portion consisting of one or more villages of any of the estates specified in clauses (a) and (b) which is held on a permanent under-tenure.

(4) "Firm" means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force.

(5) "Returning Officer" means such officer as the Local Government may, by notification in the *Fort St. George Gazette*, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

(6) "Zamindár" means the holder of an estate, and includes a person in receipt of a málikhána allowance from Government.

#### *Qualifications of electors.*

2. The Member specified in Regulation II, sub-head (*xvi*), shall be elected by Muhammadans of the Presidency of Fort St. George.

3. The election shall be made by all Muhammadans qualified to vote and having a place of residence in the Presidency of Fort St. George, who—

- (a) are landholders possessing an annual income from land situated within the Presidency of Fort St. George of not less than three thousand rupees; or
- (b) have during the financial year immediately preceding that in which the election is held paid on their own account income-tax on an income of not less than six thousand rupees; or
- (c) are members of the Legislative Council of the Governor of Fort St. George; or
- (d) are Ordinary or Honorary Fellows of the University of Madras; or
- (e) are holders of any title conferred or recognised by the Government, or are members of the Order of the Star of India or the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal; or
- (f) are in receipt of pensions of rupees fifteen per mensem and upwards for service as gazetted or commissioned officers of Government.

4. For the purposes of rule 3, the annual income of a zamindar from his estate shall be taken to be the annual rental upon which he pays land-cess under the Madras Local Boards Act, 1884, excluding the peshkash or similar charge payable by him to Government.

5. (1) For the purposes of rule 3, the annual income of landholders other than zamindárs shall be calculated as follows:—

- (a) the income of ryotwári holders cultivating their own lands shall be taken to be equal to twice the assessment fixed on the land so cultivated;
- (b) the income of ryotwári holders who have leased their lands to tenants shall be taken to be equal to the assessment fixed on the land so leased;
- (c) the income of holders of ináms shall be taken to be equal to the rental value on which the land-cess is calculated under section 64 of the Madras Local Boards Act, 1884, excluding the peshkash, jodi, quit-rent or similar charge payable to Government;
- (d) the income of tenants of zamindárs and inámdárs shall be taken to be equal to two-thirds of the annual rent-value of the lands held by such tenants as determined under section 64 of the Madras Local Boards Act, 1884:

Provided that to the income of tenants holding land free of rent or at a favourable rent calculated as provided in clause (d) there shall be added the difference between the rent (if any) actually charged and the rent ordinarily payable for land

of similar description and with similar advantages in the village or in neighbouring villages;

- (e) in the case of sub-tenants, the income shall be taken to be equal to half the income as determined for the superior tenant.

(2) If in any case a separate water-rate or second-crop charge is payable to Government or to a superior holder in respect of any land, such water-rate and charge shall be regarded as forming part of the assessment or rental value, as the case may be, in calculating income under this rule:

Provided that a landholder who collects water-rate or second-crop charge from another person on behalf of Government is not entitled to have anything so collected taken into account when his income is fixed under this rule or rule 4.

(3) If in any case, it is not possible to calculate income from land in accordance with rule 4 or sub-rule (1) of this rule, the Collector shall determine such income for the purposes of these rules upon the best information available.

(4) In all cases under this rule and rule 4, the income shall be calculated on the figures of the latest fasli year for which figures are available or in cases where figures for the fasli year are not available, then proportionately, on the figures of the latest period for which figures are available.

6. In calculating the annual income of all landholders for the purposes of rule 3,—

(a) income derived from an estate shall not be reckoned along with income derived from any land other than an estate, but it may be reckoned along with a málikhána allowance;

(b) subject to the provisions of clause (a), incomes derived from more than one parcel of land, however held, may be reckoned together: Provided that, in the case of land referred to in rule 13, sub-rule (2), and rule 14, the income derived therefrom shall not be added to any income derived from other land unless the holder of the latter has been nominated, or is entitled, under those rules, to represent the joint-holders or family in respect of the former land;

(c) in no case shall income derived from a portion of an estate which is not separately registered in the office of a Collector be taken into account, nor shall income derived from land be reckoned with income derived from any other source.

7. No person shall be entitled to vote except in the district in which he resides, and he shall not be entered in the electoral roll under any other district.

8. No elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

9. (1) During the month of July in each year the Returning Officer shall prepare and publish in the *Fort St. George Gazette* and in the official Gazette of each district concerned a draft electoral roll in Form I annexed to this Schedule, together with a notice stating that any objection relating to entries in, or omissions from, the electoral roll may be preferred on or before the 31st of August to the Collector of the district concerned.

(2) Such Collector shall fix a place and a date not later than the 30th of September for hearing objections to the electoral roll, and shall give notice of the place and date so fixed to all persons concerned in such manner as the Local Government may prescribe.

(3) The Collector may before the date fixed by him under sub-rule (2) of his own motion revise the electoral roll so far as it relates to his district; any alteration in the roll made on such revision shall be published previous to the date fixed under sub-rule (2) in such manner as the Local Government may prescribe.

(4) The Collector shall at the place and on the date fixed under sub-rule (2) hear and decide objections to the electoral roll as also to any revision of the roll made by him of his own motion.

(5) On the 1st of October the Collector shall send a copy of the electoral roll as revised to the Returning Officer.

(6) The Returning Officer shall publish the final electoral roll in the *Fort St. George Gazette* and in the official Gazettes of the districts concerned on or before the 31st of October, and such electoral roll shall come into force on the 1st of November and continue in force until the publication of the next final electoral roll.

(7) The Local Government may, from time to time, by notification in the *Fort St. George Gazette* and the official Gazettes of the districts concerned, alter the dates specified in this rule.

10. The electoral roll in force at the date of the notification issued by the Governor General under these Regulations, calling upon the electorate to elect a Member under these rules shall be conclusive evidence for the purpose of determining whether any person is or is not qualified to vote at such election.

11. A person who is nominated, or entitled, under rule 13, sub-rule (2), or rule 14, 15 or 16, to represent a group of joint owners, a joint-family or a firm, and who is himself possessed of a personal qualification or of a separate property qualification which entitles him to vote, may elect whether to be entered in the electoral roll in his representative or separate capacity, and he shall be entered in one such capacity only and under the district in which he resides.

12. Except as expressly provided in these rules, no person claiming to vote on account of the possession of income derived from land for which a public register is kept shall be entitled to have such income taken into account in determining his eligibility to vote unless the land from which the income is derived stands registered in such register in his name.

13. (1) Where land is registered in the name of a single holder, the name of that holder alone shall be entered in the electoral roll.

(2) Where several persons are registered as joint-holders of land, a majority of the adult male persons so registered may nominate in writing any one of themselves who is qualified to vote to be their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll under the district in which he resides, and, if such nomination is not made, no entry shall be made in the roll in respect of such land.

*Explanation.*—Land registered under section 14 of the Malabar Land Registration Act, 1896, in the joint names of the registered proprietor and another person is not land registered in the names of joint-holders within the meaning of this rule.

14. Where the property of a tarwad or similar joint-family under the Marumakkatayam or Aliyasantana law is registered in the name of a woman and would, but for the disqualification of sex, qualify the registered holder to vote, the senior male member of the family shall, if he is qualified to vote, be entered in the electoral roll under the district in which he resides as the representative of the family for voting purposes; and, if the senior male member is not so qualified, no entry shall be made in the roll in respect of the property possessed by the family.

15. Where a joint-family is assessed as such to pay income-tax, a majority of the adult male members of the family may nominate in writing any one of themselves who is qualified to vote as their representative for voting purposes, and the name of such representative alone shall be entered in the electoral roll under the district in which he resides, and, if such nomination is not made, no entry shall be made in the roll in respect of the payment of income-tax.

16. Where a firm, composed solely of Muhammadan members, pays income-tax on the prescribed minimum income, a majority of the adult male members of the firm may nominate in writing one of themselves who is qualified to vote on behalf of the firm, and his name only shall be entered in the electoral roll under the district in which he resides, and, if such nomination is not made, no entry shall be made in the electoral roll in respect of the firm.

17. Except as hereinbefore provided, no person shall be entitled to have his name entered in the electoral roll unless he possesses the prescribed property qualifications in his own personal right and not in a fiduciary capacity.

*Qualifications and nomination of candidates.*

18. (1) Any person not ineligible for election under these Regulations whose name is on the electoral roll may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by the Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be duly attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

19. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

20. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the Attesting Officer, who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

#### *Scrutiny of nomination papers.*

21. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

22. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

23. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll, and on such date and at such time as may be appointed by the Local Government in this behalf.

(2) The Attesting Officer shall thereupon deliver to each such elector a voting paper in Form III annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there mark his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

24. (1) The Attesting Officer shall, at the close of the day appointed for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(2) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

25. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such papers, except the one first received by the Attesting Officer,

shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse " rejected " with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 26 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

26. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting paper, sealed as provided by rule 25, to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

27. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

28. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

#### *Publication of result.*

29. The Returning Officer shall without delay report the result of the election to the Secretary to the Government of Madras in the Legislative Department and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the *Fort St. George Gazette* and in the *Gazette of India*.

*Appointment of dates, times and places.*

30. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the attestation of nomination papers under rule 18;
- (b) the scrutiny of nomination papers under rule 21;
- (c) the attestation of voting papers under rule 23;
- (d) the counting of votes under rule 26.

**FORM I.**

(See rule 9.)

**ELECTORAL ROLL OF MUHAMMADANS IN THE PRESIDENCY OF FORT ST.  
GEORGE FOR THE ELECTION OF AN ADDITIONAL MEMBER TO THE LEGIS-  
LATIVE COUNCIL OF THE GOVERNOR GENERAL.**

FORM II.

(See rule 18.)

NOMINATION PAPER.

1. Name of candidate.
2. Name of father, karnavan or ejman.
3. Age.
4. Address.
5. Place of residence.
6. District under which the name of the candidate is entered in the electoral roll.
7. Number borne by candidate on the general electoral roll.
8. Signature of proposer.
9. Signature of seconder.

Signed in my presence on the              day of              19  
by              and              , who are personally known to me (or who have  
been identified to my satisfaction) as voters Nos.              and  
in the extract relating to this district from the electoral roll of  
Muhammadans in the Presidency of Fort St. George for the election of  
an Additional Member to the Legislative Council of the Governor  
General.

STATION.

DISTRICT.

*Attesting Officer.*

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*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested are invalid.
2. They must be presented for attestation on the              day of              and between  
the hours of              and              at the office of

## FORM III.

(See rule 23.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Muhammadan community in the Presidency of Fort St. George. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  $\times$  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  $\times$  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in the envelope to be supplied by him for the purpose between the hours of      and      on the      day of      19 .

I hereby declare that I am the person whose name appears as [ ] No. on the electoral roll of Muhammadans in the Presidency of Fort St. George for the election of an Additional Member to the Legislative Council of the Governor General.

C. N.,  
*Elector.*

(*Fold on this line.*)

Signed in my presence by the elector who is personally known to me (*or who has been identified to my satisfaction*).

X. Y.,  
*Attesting Officer.*

## FORM IV.

(See rule 24.)

## LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Address.

*Attesting Officer.*

### SCHEDULE XIII.

[See Regulation II, sub-head (xxii), and Regulation III.]

#### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE MUHAMMADAN COMMUNITY IN THE PRESIDENCY OF BOMBAY.

1. The Member specified in Regulation II, sub-head (xvii), shall be elected by the votes of the Muhammadan non-official Additional Members of the Legislative Council of the Governor of Bombay.
  2. Any person not ineligible for election under these Regulations, and qualified to vote for the election of an Additional Member by the Muhammadan community in the Presidency of Bombay to the said Legislative Council, shall be eligible for election.
  3. The rules for the election of an Additional Member to the Legislative Council of the Governor General by the non-official Additional Members of the Legislative Council of the Governor of Bombay shall apply with the necessary modifications to every election under this Schedule.
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### SCHEDULE XIV.

[See Regulation II, sub-head (xviii), and Regulation III.]

#### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER OR MEMBERS BY THE MUHAMMADAN COMMUNITY IN THE PRESIDENCY OF BENGAL.

##### *Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer for the time being deputed by the Attesting Officer to perform such duties by an order in writing of which a copy shall be sent to the Returning Officer.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

2. The Member or Members specified in Regulation II in connection with sub-head (xviii) shall be elected as follows:—

(1) At the first, third and succeeding alternate elections, one Member shall be elected for the electoral area comprising the whole of the Presidency of Bengal;

- (2) At the second, fourth and succeeding alternate elections, one Member shall be elected for each of the following electoral areas, namely :—
- (a) Electoral area I, comprising the Presidency and Burdwan Divisions;
  - (b) Electoral area II, comprising the Rajshahi, Dacca and Chittagong Divisions.

*Explanation.*—The expression “ alternate elections ” shall not be deemed to include elections to fill casual vacancies.

*Qualifications of electors.*

3. The election shall be made by the votes of all Muhammadans who have a place of residence in the electoral area concerned and are not disqualified from voting under these Regulations, and possess any one of the following qualifications, namely :—

- (a) are Members of the Legislative Council of the Governor of Fort William in Bengal; or
- (b) are holders of any title conferred or recognised by the Government, or are members of the Order of the Star of India or of the Order of the Indian Empire, or holders of a Kaisar-i-Hind Medal; or
- (c) are Ordinary or Honorary Fellows of the University of Calcutta; or
- (d) own in their own right, and not in a fiduciary capacity, land or a share in land in respect of which land or share land-revenue amounting to not less than seven hundred and fifty rupees is payable per annum; or
- (e) own in their own right, and not in a fiduciary capacity, land or a share in land in respect of which land or share road and public works cesses amounting to not less than one hundred and eighty-seven rupees eight annas are payable per annum to Government, either directly or through a superior landlord; or
- (f) hold in their own right, and not in a fiduciary capacity, as permanent tenure holders, one or more tenures held direct from the Zemindar, or shares of such tenures, in respect of which tenures or shares road and public works cesses amounting to not less than one hundred and eighty-seven rupees eight annas are payable per annum; or
- (g) have during the financial year immediately preceding that in which the election is held paid on their own account income-tax on an income of not less than six thousand rupees per annum; or
- (h) are in receipt of pensions for service as gazetted or commissioned officers of the Government:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

4. (1) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall publish in the local official Gazette a draft electoral roll in Form I annexed to this Schedule for the electoral area or for each of the electoral areas, as the case may be, specified in rule 2.

(2) Any Muhammadan whose name does not appear in any such draft, and who claims to have his name included therein, and any person who objects to the entry of any name in any such draft, may, within fifteen days after the publication of the draft under sub-rule (1) of this rule, forward to the Returning Officer, either direct or through the District Magistrate of the district in which he resides, or, if he resides in Calcutta, through the Chief Presidency Magistrate, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims and objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral roll or rolls, as added to or altered by the Returning Officer, shall be published by him in the local official Gazette.

(5) As soon as may be after the publication of the roll for any electoral area in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every District Magistrate in the Divisions comprised in such electoral area, and, in the case of the roll for any electoral area comprising the Presidency Division, also at the office of the Chief Presidency Magistrate.

5. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

6. (1) The electoral roll or rolls published under rule 4 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified the District Magistrate, so far as the roll relates to his district, and the Chief Presidency Magistrate, so far as such roll relates to Calcutta, may of his own motion, and shall on the application of any person whose name appears on any such roll, or who claims to have his name inserted therein, revise the said roll.

(3) On such revision the District Magistrate or Chief Presidency Magistrate, after such inquiry and after hearing such persons as he may consider necessary, may order any addition to or alteration in the electoral roll.

(4) An appeal shall lie from any such order of the District Magistrate or Chief Presidency Magistrate to the Commissioner of the Division, whose decision shall be final.

(5) Every such appeal shall be preferred within one week from the date of the order appealed against:

Provided that the Commissioner may, for sufficient reason, extend the time to a period not exceeding three weeks.

(6) As soon as may be after the expiry of the period for appealing or, if an appeal is preferred, after the appeal has been disposed of, the electoral roll or rolls as added to or altered on such revision, shall be published and posted as provided in rule 4.

*Qualifications and nomination of candidates.*

7. (1) Any person not ineligible for election under these Regulations, whose name is on the electoral roll for the electoral area concerned, may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on or before the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

(5) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

8. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

9. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his

proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

10. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form III annexed to this Schedule.

(3) On or before such date as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer for the same on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

(4) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 p.m. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of an Attesting Officer in accordance with the instructions contained on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(5) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and, after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(8) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(9) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

11. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 12 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

12. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed, as provided by rule 11, to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

13. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

14. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

15. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

16. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the publication of drafts and electoral rolls under rule 4;
- (b) the revision of electoral rolls under rule 6;
- (c) the attestation of nomination papers under rule 7;
- (d) the scrutiny of nomination papers under rule 9;
- (e) the sending of voting papers under rule 10;
- (f) the attestation of voting papers under rule 10; and
- (g) the counting of votes under rule 12.

## FORM I.

(See rule 4.)

**ELECTORAL ROLL OF MUHAMMADANS IN** **FOR THE ELECTION**  
**OF AN ADDITIONAL MEMBER TO THE LEGISLATIVE COUNCIL OF THE**  
**GOVERNOR GENERAL.**

Serial No.	Name of elector.	Father's name.	Address of elector.	Qualifications.
1	2	3	4	5

FORM II.

(See rule 7.)

NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_, who are personally known to me (or who have been identified to my satisfaction) as electors Nos. \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Muhammadans in \_\_\_\_\_ for the election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.*  
(Official designation.)

Dated the

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*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation on or before the day of 19 , and between the hours of \_\_\_\_\_ and \_\_\_\_\_ at the office of an Attesting Officer.

## FORM III.

(See rule 10.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Muhammadan community in .  
The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Returning Officer.**Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  $\times$  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  $\times$  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of an Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in an envelope between the hours of      and on any day before the      day of      19 .

I hereby declare that I am the person whose name appears as ( ) No. on the electoral roll of Muhammadans in for the election of an Additional Member to the Legislative Council of the Governor General.

C. N.,  
*Elector.*

---

Signed in my presence by the elector, who is personally known to me (or who has been identified to my satisfaction).

X. Y.,  
*Attesting Officer.*  
(Official designation.)

Dated the

## FORM IV.

(See rule 10.)

## LIST OF ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:

Serial No.	Name of elector.	Father's name.	Address.
1	2	3	4

Attesting Officer.

(Official designation.)

## SCHEDULE XV.

[See Regulation II, sub-head (xix), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE MUHAMMADAN COMMUNITY IN THE UNITED PROVINCES OF AGRA AND OUDH.

*Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer deputed for the time being by the Attesting Officer to perform his duties.

(2) "Firm" means an association of two or more individuals trading jointly and not being registered under the Indian Companies Act, 1882, or any other law for the time being in force.

(3) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

*Qualifications of electors.*

2. The Member specified in Regulation II, sub-head (xix), shall be elected by the votes of all Muhammadans qualified to vote and having a place of residence in the said Provinces, who—

- (a) own land in respect of which land-revenue amounting to not less than ten thousand rupees is payable per annum; or
- (b) own land free of land-revenue if the land-revenue nominally assessed on such land in order to determine the amount of rates payable in respect of the same, either taken by itself or in addition to land-revenue payable in respect of other land by such owners, amounts to not less than ten thousand rupees per annum; or
- (c) have during the financial year immediately preceding that in which the election is held paid on their own account income-tax on an income of not less than ten thousand rupees per annum; or
- (d) are Members of the Legislative Council of the Lieutenant-Governor of the United Provinces of Agra and Oudh; or
- (e) are Ordinary or Honorary Fellows of the University of Allahabad; or
- (f) are Trustees of the Muhammadan Anglo-Oriental College, Aligarh; or

(g) are holders of any title conferred or recognised by the Government, or are members of the Order of the Star of India or the Order of the Indian Empire or holders of the Kaisar-i-Hind Medal; or

(h) are in receipt of pensions for service as gazetted or commissioned officers of the Government; or

(i) are Honorary Assistant Collectors, Honorary Magistrates or Honorary Munsifs:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, an electoral roll in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) When a firm or company is composed exclusively of persons who are Muhammadans, and such firm or company is qualified under rule 2, clause (a), or clause (b) or clause (c), the name of any person duly authorised in writing in this behalf by the firm or company shall be entered in the roll as the representative for the purposes of the roll of such firm or company.

(3) In determining the eligibility of a landholder as an elector, only land-revenue payable or nominally assessed in respect of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.

(4) As soon as may be after the publication of the roll in the local official Gazette, an extract from the electoral roll relating to each district shall be posted in a conspicuous place at the office of the District Magistrate for such district.

4. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

5. (1) The electoral roll published under rule 3 shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified the District Magistrate may of his own motion, and shall on the application of any person whose name appears on the said roll or who claims to have his name inserted therein, revise the said roll so far as it relates to his district.

(3) On such revision the District Magistrate, after such inquiry and after hearing such persons as may be necessary, may order any addition to or alteration in the electoral roll.

(4) An appeal shall lie from any such order of the District Magistrate to the Commissioner of the Division, whose decision shall be final.

(5) Such appeal, if any, shall be preferred within one week from the date of the order appealed against:

Provided that the Commissioner may, for sufficient reason, extend the time to a period not exceeding three weeks.

(6) As soon as may be after the expiry of the period for appealing or, if an appeal is preferred, after the appeal has been disposed of, the electoral roll, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Qualifications and nomination of candidates.*

6. (1) Any person not ineligible for election under these Regulations and whose name is on the electoral roll may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

7. Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

8. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall communicate the withdrawal to the Attesting Officer, who shall thereupon remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

9. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

*Voting.*

10. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe.

11. (1) Every elector desirous of recording his vote shall attend for the purpose at such place in the district under which his name appears in the electoral roll, and on such date and at such time as may be appointed by the Local Government in this behalf.

(2) The Attesting Officer shall thereupon deliver to each such elector a voting paper in Form III annexed to this Schedule, in which shall be entered the names of the candidates, together with an envelope for enclosing the same.

(3) The elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer in accordance with the instructions on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(4) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there mark his vote on the voting paper in accordance with the instructions on the face thereof.

(5) The elector shall then place the voting paper in the envelope provided, and, after closing the envelope, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

12. (1) The Attesting Officer shall, at the close of the day appointed for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(2) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

13. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 14 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

14. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed, as provided by rule 13, to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

15. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

16. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

17. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

18. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely:—

- (a) the publication of the electoral roll under rule 3;
- (b) the attestation of nomination papers under rule 6;
- (c) the scrutiny of nomination papers under rule 9;
- (d) the attestation of voting papers under rule 11; and
- (e) the counting of votes under rule 14.

## FORM I.

(See rule 3.)

**ELECTORAL ROLL OF MUHAMMADANS IN THE UNITED PROVINCES OF AGRA  
AND OUDH FOR THE ELECTION OF AN ADDITIONAL MEMBER TO THE  
LEGISLATIVE COUNCIL OF THE GOVERNOR GENERAL.**

Serial No. on roll.	Serial No. on dis- trict list.	Name of elector.	Father's name.	Address.	Qualifications.
1	2	3	4	5	6

*Instructions.*

1. The roll shall be prepared by districts, each elector's name being entered under the district in which he resides.
2. In the case of an elector qualified under rule 2 (a) or 2 (b) who pays land-revenue, or holds land free of revenue in more than one district, details of the land-revenue payable or nominally assessed in each district shall be entered in column 6 where the land-revenue payable or nominally assessed in any one district does not exceed Rs. 10,000.
3. In determining the eligibility of a landholder as an elector, only land-revenue payable or nominally assessed on account of such land or share in land as he may hold in his own personal right and not in a fiduciary capacity shall be taken into account.
4. In the case of an elector qualified under rule 2 (c), the entry in column 6 shall be "Payment of income-tax" and shall not state the actual income on which tax is paid.

## FORM II.

(See rule 6.)

## NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_ who are personally known to me (or who have been identified to my satisfaction) as being the persons whose names appear as \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Muhammadans in the United Provinces of Agra and Oudh for the election of an Additional Member to the Legislative Council of the Governor General.

*Attesting Officer.*

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*Instructions.*

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_, and between the hours of \_\_\_\_\_ and \_\_\_\_\_, at the office of \_\_\_\_\_.

## FORM III.

(See rule 11.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Muhammadan community in the United Provinces of Agra and Oudh. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  $\times$  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  $\times$  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in the envelope to be supplied by him for the purpose between the hours of      and      on the      day of      19 .

I hereby declare that I am the person whose name appears as  
on the electoral roll of Muhammadans in the United Pro-  
vinces of Agra and Oudh for the election of an Additional Member to  
the Legislative Council of the Governor General.

C. N.,  
*Elector.*

---

(*Fold on this line.*)

Signed in my presence by the elector who is personally known to me  
(or who has been identified to my satisfaction).

X. Y.,  
*Attesting Officer.*

FORM IV.

(See rule 12.)

LIST OF THE ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Address.

*Attesting Officer.*

## SCHEDULE XVI.

[See Regulation II, sub-head (xx), and Regulation III.]

### RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE MUHAMMADAN COMMUNITY IN BIHAR AND ORISSA.

#### *Preliminary.*

1. (1) "Attesting Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Attesting Officer under these rules, and includes any officer for the time being deputed by the Attesting Officer to perform such duties by an order in writing of which a copy shall be sent to the Returning Officer.

(2) "Returning Officer" means such officer as the Local Government may, by notification in the local official Gazette, appoint to perform all or any of the duties of the Returning Officer under these rules, and includes any officer deputed for the time being by the Returning Officer to perform his duties.

#### *Qualifications of electors.*

2. The Member specified in Regulation II, sub-head (xx), shall be elected by the votes of all Muhammadans having a place of residence in the Province of Bihar and Orissa who are qualified to vote, and possess any one of the following qualifications, namely:—

- (a) are Members of the Legislative Council of the Lieutenant-Governor of Bihar and Orissa; or
- (b) are holders of any title conferred or recognised by the Government, or are members of the Order of the Star of India or of the Order of the Indian Empire, or holders of the Kaisar-i-Hind Medal; or
- (c) are Ordinary or Honorary Fellows of the University of Calcutta; or
- (d) own in their own right, and not in a fiduciary capacity, land or a share in land in respect of which land or share land-revenue amounting to not less than seven hundred and fifty rupees is payable per annum; or
- (e) own in their own right, and not in a fiduciary capacity, land or a share in land in respect of which land or share road and public works cesses amounting to not less than one hundred and eighty-seven rupees eight annas are payable per annum to Government, either directly or through a superior landlord; or
- (f) have during the financial year immediately preceding that in which the election is held paid on their own account

income-tax on an income of not less than six thousand rupees per annum; or

- (g) are in receipt of pensions for service as gazetted or commissioned officers of the Government:

Provided that no elector shall have more than one vote though he may possess more than one of the qualifications above described.

*Electoral roll.*

3. (1) On or before such date as may be appointed by the Local Government in this behalf, a draft electoral roll in Form I annexed to this Schedule shall be published by the Returning Officer in the local official Gazette.

(2) Any Muhammadan whose name does not appear in such draft, and who claims to have his name included therein, and any person who objects to the entry of any name in such draft, may, within fifteen days after the publication of the draft under sub-rule (1) of this rule, forward to the Returning Officer, either direct or through the District Magistrate of the District in which he resides, a statement of such claim or objection, as the case may be.

(3) The Returning Officer shall consider and decide upon all such claims and objections, and his decision shall be final.

(4) As soon as may be after the disposal of such claims and objections, the electoral roll, as added to or altered by the Returning Officer, shall be published by him in the local official Gazette.

(5) As soon as may be after the publication of the roll in the local official Gazette, a copy thereof shall be posted in a conspicuous place at the office of every District Magistrate.

4. The electoral roll shall be conclusive evidence for the purpose of determining whether any person is an elector or not under these rules.

*Revision of electoral roll.*

5. (1) The electoral roll, published under rule 3, shall be subject to revision from time to time as the Local Government may, by notification in the local official Gazette, direct.

(2) At the time so notified the District Magistrate may, of his own motion, and shall, on the application of any person whose name appears on any such roll, or who claims to have his name inserted therein, revise the said roll so far as it relates to his district.

(3) On such revision the District Magistrate, after such inquiry and after hearing such persons as he may consider necessary, may order any addition to or alteration in the electoral roll.

(4) An appeal shall lie from any such order of the District Magistrate to the Commissioner of the Division, whose decision shall be final.

(5) Every such appeal shall be preferred within one week from the date of the order appealed against:

Provided that the Commissioner may, for sufficient reason, extend the time to a period not exceeding three weeks.

(6) As soon as may be after the expiry of the period for appealing or, if any appeal is preferred, after the appeal has been disposed of, the electoral roll, as added to or altered on such revision, shall be published and posted as provided in rule 3.

*Qualifications and nomination of candidates.*

6. (1) Any person not ineligible for election under these Regulations, whose name is on the electoral roll, may be nominated as a candidate for election.

(2) Such nomination shall be made by means of a nomination paper in Form II annexed to this Schedule, which shall be supplied by an Attesting Officer to any elector asking for the same.

(3) Every nomination paper shall be subscribed by two electors as proposer and seconder:

Provided that no elector shall subscribe more than one nomination paper.

(4) Every nomination paper shall be presented for attestation on or before the date and at the time and place appointed by the Local Government in this behalf, and, if the Attesting Officer is satisfied that the nominee is willing to stand for election, shall be attested by the Attesting Officer in the manner prescribed on the face of the Form and without delay despatched by registered post to the Returning Officer.

(5) Nomination papers which are not received by the Returning Officer before the date and time appointed for the scrutiny of nomination papers shall be rejected.

7. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the attestation of voting papers, or, if the period between the dates fixed for the scrutiny of nomination papers and the attestation of voting papers is less than fourteen clear days, not later than the date fixed for such scrutiny.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Local Government may prescribe, and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

*Scrutiny of nomination papers.*

8. (1) On the date and at the time appointed by the Local Government for the scrutiny of nomination papers, every candidate and his proposer and seconder may attend at the place appointed, and the

Returning Officer shall allow them to examine the nomination papers of all candidates which have been received by him as aforesaid.

(2) Where an elector subscribes two or more nomination papers, all such nomination papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such nomination papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall examine the nomination papers, and shall decide all objections which may be made to any nomination paper on the ground that it is not valid under these rules, and may reject, either of his own motion or on such objection, any nomination paper on such ground; the decision of the Returning Officer shall in every case be endorsed by him on the nomination paper in respect of which such decision is given, and shall be final save as provided in Regulations VIII and XVI.

#### *Voting.*

9. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall forthwith publish their names in such manner as the Local Government may prescribe, and shall further cause their names to be entered in voting papers in Form III annexed to this Schedule.

(3) On or before such date, as may be appointed by the Local Government in this behalf, the Returning Officer shall send by registered post to each elector one such voting paper signed by the Returning Officer:

Provided that such a voting paper shall also be supplied to any elector on his applying to the Returning Officer for the same on or before the day appointed as the latest date for the attestation of voting papers, and that no election shall be invalidated by reason of the non-receipt by an elector of his voting paper.

(4) On or before such date as may be appointed by the Local Government in this behalf, but not later than 5 P.M. on that date, each elector desirous of recording his vote shall sign the declaration on the back of the voting paper in the presence of the Attesting Officer in accordance with the instructions contained on the face thereof, and the Attesting Officer shall attest his signature in the manner prescribed by the same instructions.

(5) The elector shall then proceed to a place screened from observation, which shall be provided by the Attesting Officer, and there record his vote on the voting paper in accordance with the instructions on the face thereof, and, after placing the voting paper in an envelope and closing the same, shall deliver it to the Attesting Officer.

(6) Neglect on the part of the elector to comply with any of these instructions shall render the vote invalid.

(7) If an elector is unable to read or write or is by reason of blindness or other physical defect incapacitated from recording his vote as required by the foregoing provisions of this rule, the Attesting Officer shall assist him in such manner as may be necessary to mark the voting paper and to sign the declaration on the back thereof.

(8) The Attesting Officer shall, at the close of the day appointed as the latest date for the attestation of voting papers, despatch all the envelopes so delivered to him to the Returning Officer by registered post in a packet securely sealed with his official seal.

(9) On the day following the Attesting Officer shall also despatch to the Returning Officer by registered post a list, in Form IV annexed to this Schedule, of the electors whose voting papers he has attested.

*Counting of votes and declaration of result.*

10. (1) On receiving the voting papers the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Attesting Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was so received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 11 (4) or in Regulation XVI, such rejection shall be final.

(4) The Returning Officer shall then fold the lower portion of every paper, whether valid or invalid, along the dotted line on the back, so as to conceal the names of the elector and the Attesting Officer, and shall seal down the portion thus folded with his official seal.

11. (1) The Returning Officer shall attend for the purpose of counting the votes at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative, duly authorised by him in writing, to watch the process of counting.

(3) The Returning Officer shall show the voting papers sealed as provided by rule 10 to the candidates or their representatives.

(4) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(5) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon.

12. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

13. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

14. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

15. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the publication of the draft and electoral roll under rule 3;
- (b) the revision of the electoral roll under rule 5;
- (c) the attestation of nomination papers under rule 6;
- (d) the scrutiny of nomination papers under rule 8;
- (e) the sending of voting papers under rule 9;
- (f) the attestation of voting papers under rule 9; and
- (g) the counting of votes under rule 11.

## FORM I.

(See rule 3.)

ELECTORAL ROLL OF MUHAMMADANS IN BIHAR AND ORISSA FOR THE ELECTION OF AN ADDITIONAL MEMBER TO THE LEGISLATIVE COUNCIL OF THE GOVERNOR GENERAL.

Serial No.	Name of elector.	Father's name.	Address of elector.	Qualifications.
1	2	3	4	5

FORM II.

(See rule 6.)

NOMINATION PAPER.

1. Name of candidate.
2. Father's name.
3. Age.
4. Address.
5. Signature of proposer.
6. Signature of seconder.

Signed in my presence by \_\_\_\_\_ and \_\_\_\_\_, who are personally known to me (or who have been identified to my satisfaction) as electors Nos. \_\_\_\_\_ and \_\_\_\_\_ on the electoral roll of Muhammadans in Bihar and Orissa for the election of an Addition Member to the Legislative Council of the Governor General.

Attesting Officer.  
(Official designation.)

Dated the \_\_\_\_\_

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Instructions.

1. Nomination papers shall be attested by an Attesting Officer. Those not so attested shall be invalid.
2. They shall be presented for attestation on or before the \_\_\_\_\_ day of Jyeshtha, and between the hours of \_\_\_\_\_ and \_\_\_\_\_, at the office of an Attesting Officer.

## FORM III.

(See rule 9.)

## VOTING PAPER.

One Additional Member is to be elected to the Legislative Council of the Governor General by the Muhammadan community in Bihar and Orissa. The following ( ) candidates have been duly nominated :—

Serial No.	Names of candidates.	Vote.

*Returning Officer.**Instructions.*

1. Each elector has one vote.
2. He shall vote by placing, or causing to be placed, the mark  opposite the name of the candidate whom he prefers.
3. The voting paper shall be invalid if the mark  is placed opposite the name of more than one candidate, or if it is so placed as to render it doubtful to which candidate such mark is intended to apply.
4. Before his vote is marked the elector shall sign the declaration on the back of the paper in the presence of the Attesting Officer, who shall attest his signature. Without such attestation the voting paper shall be invalid.
5. Voting papers shall be presented for attestation and marked and delivered to the Attesting Officer enclosed in an envelope between the hours of                  and on any day before the        day of              19 .

I hereby declare that I am the person whose name appears as [  
] No. on the electoral roll of Muhammadans in Bihar  
and Orissa for the election of an Additional Member to the Legislative  
Council of the Governor General.

C. N.,  
*Elector.*

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Signed in my presence by the elector who is personally known to me  
(or who has been identified to my satisfaction).

X. Y.,  
*Attesting Officer.*  
(Official designation.)

Dated the

## FORM IV.

(See rule 9.)

LIST OF ELECTORS WHOSE VOTING PAPERS HAVE BEEN ATTESTED BY

The following is a list of all the electors whose voting papers have been attested by me:—

Serial No.	Name of elector.	Father's name.	Address.
1	2	3	4

*Attesting Officer.  
(Official designation.)*

## SCHEDULE XVII.

[See Regulation II, sub-head (xxi), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE BENGAL CHAMBER OF COMMERCE.

*Preliminary.*

1. "Returning Officer" means the Secretary to the Bengal Chamber of Commerce, and includes any officer of the Chamber deputed for the time being by the Secretary to perform his duties under these rules.

*Qualifications of electors.*

2. The Member specified in Regulation II, sub-head (xxi), shall be elected by the votes of persons qualified to vote, who—

- (a) are permanent members of the Bengal Chamber of Commerce, or
- (b) are entitled to exercise the rights and privileges of permanent membership of the said Chamber on behalf, and in the name, of any firm or Joint-Stock Company or other Corporation,

and who have a place of residence in India (hereinafter referred to as "electors").

*Qualifications and nomination of candidates.*

3. (1) Any person not ineligible for election under these Regulations who is qualified to vote under this Schedule may be nominated as a candidate for election :

Provided that the Returning Officer is satisfied that such person is willing to be so nominated.

(2) Every nomination shall be made by an elector, by letter sent to the Returning Officer.

(3) No elector shall subscribe more than one nomination letter.

(4) Where an elector subscribes two or more nomination letters, all such nomination letters, except the one first received by the Returning Officer, shall be rejected, and, if the Returning Officer is unable to determine which of such nomination letters was first received by him, both or all of such letters shall be rejected.

4. (1) A candidate who has been duly nominated for election may withdraw his candidature by a written and signed communication delivered to the Returning Officer not less than fourteen clear days before the date fixed for the counting of votes.

(2) The Returning Officer shall forthwith notify the withdrawal of any candidate in such manner as the Returning Officer may think fit,

and shall remove from the voting paper the name of the candidate who has withdrawn his candidature.

(3) A candidate who has withdrawn his candidature shall not be allowed to cancel the withdrawal or to stand as a candidate for the same election.

### *Voting.*

5. (1) If one duly nominated candidate only stands for election, the Returning Officer shall forthwith declare such candidate to be elected.

(2) If more duly nominated candidates than one stand for election, the Returning Officer shall send to each elector a list of such candidates and a voting paper.

6. Any elector may send his voting paper to the Returning Officer after recording his vote thereon:

Provided that voting papers which are not received by the Returning Officer before the day appointed for the counting of votes shall be rejected.

### *Counting of votes and declaration of result.*

7. (1) On receiving the voting papers, the Returning Officer shall examine them to see whether they have been correctly filled up.

(2) Where an elector records his vote on two or more voting papers, all such voting papers, except the one first received by the Returning Officer, shall be deemed to be invalid, and, if the Returning Officer is unable to determine which of such papers was received first, both or all of such papers shall be deemed to be invalid.

(3) The Returning Officer shall endorse "rejected" with the grounds for such rejection on any voting paper which he may reject on the ground that it is invalid under these rules, and, save as provided in rule 8 (3) or in Regulation XVI, such rejection shall be final.

8. (1) The Returning Officer shall attend for the purpose of counting the votes on such date and at such time and place as may be appointed by the Local Government in this behalf.

(2) Every candidate may be present in person, or may send a representative duly authorized by him in writing, to watch the process of counting.

(3) If an objection is made to any voting paper on the ground that it is invalid under these rules, or to the rejection by the Returning Officer of any voting paper, it shall be decided at once by the Returning Officer whose decision shall be final, save as provided in Regulations VIII and XVI.

(4) In such cases the Returning Officer shall record on the voting paper the nature of the objection and his decision thereon. ~

9. (1) When the counting of the votes has been completed, the Returning Officer shall forthwith declare the candidate to whom the largest number of votes has been given to be elected.

(2) Where an equality of votes is found to exist between any candidates, and the addition of a vote will entitle any of the candidates to be declared elected, the determination of the person to whom such one additional vote shall be deemed to have been given shall be made by lot to be drawn in the presence of the Returning Officer and in such manner as he may determine.

10. Upon the completion of the counting, and after the result has been declared by him, the Returning Officer shall seal up the voting papers and all other documents relating to the election, and shall retain the same for a period of six months, and thereafter cause them to be destroyed unless otherwise directed by an order of competent authority.

*Publication of result.*

11. The Returning Officer shall without delay report the result of the election to the Chief Secretary to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

*Appointment of dates, times and places.*

12. The Local Government shall appoint, and shall notify, in such manner as it thinks fit, such date, and, if necessary, such time and place as it may think suitable for each of the following proceedings, namely :—

- (a) the sending of nominations under rule 3 (2);
  - (b) the sending of lists and voting papers under rule 5 (2);
  - (c) the sending of voting papers under rule 6; and
  - (d) the counting of votes under rule 8 (1).
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SCHEDULE XVIII.

[See Regulation II, sub-head (xxii), and Regulation III.]

RULES FOR THE ELECTION OF AN ADDITIONAL MEMBER BY THE BOMBAY CHAMBER OF COMMERCE.

1. The member specified in Regulation II, sub-head (xxii), shall be elected by the members of the Bombay Chamber of Commerce.

2. Any person not ineligible for election under these Regulations, who is at the date of the election a member of the said Chamber, shall be eligible for election.

3. On or before such date as may be appointed by the Local Government in this behalf, the said Chamber shall elect the member aforesaid in such manner as a Trustee for the Port of Bombay is for the time

being elected by the said Chamber under section 6 of the Bombay Port Trust Act, 1879.

4. The President of the said Chamber shall forthwith report the result of the election to the Local Government and also to the Secretary to the Government of India in the Legislative Department, and the name of the candidate elected shall be published in the local official Gazette and in the *Gazette of India*.

[See Gazette of India, 1912, Pt. I, p. 1251.]

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**Date of Operation of Act.**

No. 4212, dated 15th November, 1909.—In exercise of the power conferred by sub-section (2) of section 3 of the Indian Councils Act, 1909 (9 Edw. 7, c. 4), the Governor General in Council has, with the approval of the Secretary of State for India in Council, appointed the fifteenth day of November, 1909, as the date on which the provisions of the said Act shall come into operation for all purposes and for all Councils in British India.

[See Gazette of India, 1909, Pt. I, p. 1163.]

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**INDIAN COUNCILS ACT, 1909 (9 EDW. 7, C. 4), AND GOVERNMENT OF INDIA ACT, 1912 (2 & 3 GEO. 5, C. 6).**

**Constitution of an Executive Council for Bihar and Orissa.**

No. 1628-P., dated the 1st August 1912.—In exercise of the powers conferred by sub-section (1) of section 3 of the Indian Councils Act, 1909 (9 Edw. 7, c. 4), as modified by the Government of India Act, 1912 (2 & 3 Geo. 5, c. 6), the Governor General in Council, with the approval of the Secretary of State for India in Council, is pleased to issue the following Proclamation:—

*Proclamation.*

1. A Council shall be constituted in the Province of Bihar and Orissa, with effect from the first day of August, 1912, for the purpose of assisting the Lieutenant-Governor in the executive government of the Province.

2. The number of the members of the Council shall be three, or such other number, not exceeding four, as the Governor General in Council may from time to time determine.

3. (1) Two members of the Council shall be persons who at the time of their appointment have been in the service of the Crown in India for at least twelve years.

(2) The other member or members shall be either persons so qualified or persons who at the time of their appointment have resided in India for at least twelve years.

4. If a member is absent from illness or otherwise, the Lieutenant-Governor may, subject to the condition prescribed by sub-clause (1) of clause 3, appoint a person qualified under that clause to be a temporary member during such absence.

5. In any case which, in the judgment of the Lieutenant-Governor, is of high importance and essentially affects the public interest and welfare, the Lieutenant-Governor may direct that such case shall be decided in accordance with his opinion, the opinion of the majority of the Council to the contrary notwithstanding.

6. (1) Where the Lieutenant-Governor makes a direction under clause 5, he shall record a statement of his reasons for making such direction, and any dissentient member may record a statement of the reasons for his dissent.

(2) A copy of every statement recorded under clause (1) of this rule shall forthwith be submitted to the Governor General.

7. Save as provided in clause 5, the opinion of the majority of the Council shall prevail; and in the case of equality of votes the Lieutenant-Governor shall have a second or casting vote.

8. If the Lieutenant-Governor is obliged to absent himself from any meeting of the Council, from indisposition or any other cause, all the functions which are exerciseable in Council by the Lieutenant-Governor shall be discharged by the Vice-President of the Council appointed under section 4 of the Indian Councils Act, 1909.

[See Gazette of India, 1912, Pt. I, p. 800.]

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#### GOVERNMENT OF INDIA ACT, 1912 (2 & 3 GEO. 5, c. 6).

##### **Reservation of powers exerciseable by the Governor General in relation to the High Court, Fort William.**

No. 1627, dated the 1st August, 1912.—In exercise of the power conferred by proviso (a) to sub-section (1) of section 1 of the Government of India Act, 1912 (2 & 3 Geo. 5, c. 6), the Governor General in Council is pleased to reserve to himself all powers now exerciseable by him in relation to the High Court of Judicature at Fort William in Bengal.

[See Gazette of India, 1912, Pt. I, p. 800.]

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##### **Extension of the provisions of the Indian Councils Acts, 1861 to 1900, to Assam.**

No. 2642-P., dated the 14th November, 1912.—The following Proclamation of the Governor General in Council is hereby published:—

##### *Proclamation.*

In exercise of the power conferred by section 3 of the Government of India Act, 1912 (2 & 3 Geo. 5, c. 6), the Governor General in Council

is pleased to extend, to the territories for the time being administered by the Chief Commissioner of Assam, the provisions of the Indian Councils Acts, 1861 to 1909, touching the making of laws and regulations for the peace and good government of provinces under Lieutenant-Governors (including the constitution of Legislative Councils for such provinces and the business to be transacted therein) subject to the modification that in the application to the said territories of the provisions aforesaid references to a Lieutenant-Governor shall be construed as references to the Chief Commissioner of Assam.

[See Gazette of India, 1912, Pt. I, p. 1383.]

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**Extension of the provisions of the Indian Councils Acts, 1861 to 1909, to the Central Provinces.**

No. 2370, dated the 8th November, 1913.—The following Proclamation of the Governor General in Council is hereby published:—

*Proclamation.*

In exercise of the power conferred by section 3 of the Government of India Act, 1912 (2 & 3 Geo. 5, c. 6), the Governor General in Council is pleased to extend to the territories for the time being administered by the Chief Commissioner of the Central Provinces the provisions of the Indian Councils Acts, 1861 to 1909, touching the making of laws and Regulations for the peace and good government of provinces under Lieutenant-Governors (including the constitution of Legislative Councils for such Provinces and the business to be transacted therein) subject to the modification that in the application to the said territories of the provisions aforesaid references to a Lieutenant-Governor shall be construed as references to the Chief Commissioner of the Central Provinces.

[See Gazette of India, 1913 (Extraordinary), dated the 8th November 1913.]

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**Date of operation of Government of India Act, 1912 (2 & 3 Geo. 5, c. 6).**

No. 1626-P., dated the 1st August, 1912.—In pursuance of section 5 of the Government of India Act, 1912 (2 & 3 Geo. 5, c. 6), the Governor General in Council is pleased, with the approval of the Secretary of State in Council, to appoint the 1st August, 1912, as the day on which the said Act shall come into operation.

[See Gazette of India, 1912, Pt. I, p. 1383.]











